

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

TATYANA CHAYKA, Applicant
A78 522 150

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary,
Department of Homeland Security;

U.S. Citizenship and Immigration Services;
MARY ANN GANTNER, Director,
New York Office, U.S. Citizenship and
Immigration Services;

EMILIO T. GONZÁLEZ, Director,
U.S. Citizenship and Immigration Services

Defendants.

JUDGE KAPLAN

08 CV 2492 Civil Action No.



COMPLAINT FOR WRIT OF MANDAMUS

COME NOW TATYANA CHAYKA, Plaintiff in the above-styled and numbered case, and for her cause of action would show the Court the following:

1. This action is brought against the Defendants to compel action on an Application To Register Permanent Resident or Adjustment of Status (Form I-485) filed with the Defendants by TATYANA CHAYKA on December 7, 2000. This Application was filed contemporaneously with an I-130 Petition for Alien Relative that was filed by Plaintiff's husband, Nikolay Zhovtonizkho. The Form I-485 Application To Register Permanent Resident or Adjustment of Status was filed with and remain in the jurisdiction of the Defendants, who have improperly withheld action on said Application to Plaintiff's detriment.

PARTIES

2. Plaintiff, Mrs. Tatyana Chayka, is a native of the former Soviet Union and a citizen of Russia. She married Mr. Nikolay Zhovtonizkho, a United States citizen, on November 1,

Chayka v. Chertoff, et al.

1

A78 522 150

Complaint for Writ of Mandamus

2000. Shortly thereafter, Mr. Zhovtonizkho filed an I-130 Petition for Alien Relative on behalf of Plaintiff, Mrs. Chayka. Mrs. Chayka filed a contemporaneous Form I-485 Application To Register Permanent Resident or Adjustment of Status. On October 24, 2001 Plaintiff and her husband attended an interview at 26 Federal Plaza, New York, NY. After the interview, Mrs. Chayka submitted an affidavit as to why she had joined the Communist Party and her lack of active participation in the organization. In the interim, Mrs. Chayka complied with all request to be fingerprinted in a timely manner. On July 13, 2006 Mrs. Chayka appeared for a second interview at 26 Federal Plaza (attached hereto as Exhibit 1); however, no interview was conducted as her husband failed to appear. The case was denied on August 7, 2006, because Mr. Zhovtonizkho failed to appear. A timely Motion to Reconsider/Reopen (attached hereto as Exhibit 2) was filed with the Bureau of U.S. Citizenship and Immigration Services and the case was subsequently reopened. Mrs. Chayka attended yet another interview before the Bureau of U.S. Citizenship and Immigration Services on February 15, 2007 (attached hereto as Exhibit 3); however, once again, no interview was conducted as the Garden City, New York office did not have her file. More than a year has passed since Mrs. Chayka was last scheduled for interview and over seven (7) years have passed since the case was originally filed yet a final adjudication has yet to be made.

3. Defendant, MICHAEL CHERTOFF, is the Secretary of the Department of Homeland Security of the United States (the "Secretary"), and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security.¹ More specifically, the Secretary is responsible for the adjudication of applications for adjustment of status filed pursuant to INA § 245, 8 U.S.C. § 1255. The Bureau of U.S. Citizenship and Immigration Services is an agency within the Department of Homeland Security to whom the Secretary's authority has in part been delegated, and is subject to the Secretary's supervision.
4. Defendant, EMILIO T. GONZÁLEZ, is the Director of the Bureau of U.S. Citizenship and Immigration Services, and is generally charged with the administration of the benefits governed by the Immigration and Nationality Act.²
5. Defendant, MARY ANN GANTNER, is the District Director for the Bureau of U.S. Citizenship and Immigration Services generally charged with supervisory authority over all operations of the District Offices located in New York, New York and Garden City, New York. Defendant, MARY ANN GANTNER, is the official with whom the final adjudication of the I-130 Petition for Alien Relative and I-485 Application To Register Permanent Resident or Adjustment of Status rests. Plaintiff has been interviewed by officers at the Bureau of U.S. Citizenship and Immigration Services' offices located in New York, NY and Garden City, NY; the most recent interview was conducted on February 15, 2007 at the Garden City, NY (attached hereto as Exhibit 4).

JURISDICTION

¹ INA § 103(a); 8 U.S.C. § 1103(a).

² INA § 103(c); 8 U.S.C. § 1103(c).

6. Jurisdiction in this case is proper under 28 U.S.C. §§ 1331 and 1361, 5 U.S.C. § 701 *et seq.*, and 28 U.S.C. § 2201 *et seq.* Relief is requested pursuant to said statutes.

VENUE

7. Venue is proper in this court pursuant to 28 U.S.C. § 1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred.³ More specifically, Plaintiff's I-485 Application To Register Permanent Resident or Adjustment of Status as well as the underlying I-130 Petition for Alien Relative were pending adjudication before the New York District of the Bureau of U.S. Citizenship and Immigration Services. In addition, Plaintiff has submitted supporting documentation, filed a Motion to Reconsider/Reopen, and attended interviews within the New York District Office's jurisdiction. Every Defendant in this cause of action is an "officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States[.]"⁴

EXHAUSTION OF REMEDIES

8. Plaintiff has exhausted her administrative remedies. Plaintiffs have, through their attorney, made numerous inquiries concerning the status of the applications to no avail. Plaintiffs have promptly and completely responded to all of Defendants' requests for additional evidence and attendance at interviews, purportedly to complete adjudication of her application and the underlying petition. In addition, Plaintiff, through her attorney, sent a final request for final adjudication on January 18, 2008 via certified and regular mail to the Bureau of U.S. Citizenship and Immigration Services at 711 Stewart Avenue, Garden City, NY 11530 and to the District Director for the New York District at 26 Federal Plaza, New York, NY 10278.

CAUSE OF ACTION

9. On December 7, 2000, Plaintiff filed an I-485 Application To Register Permanent Resident or Adjustment of Status. This Application was filed contemporaneously with an I-130 Petition for Alien Relative filed on behalf of Plaintiff by her husband, Mr. Nikolay Zhovtonizkho.
10. The couple attended an interview on October 24, 2001 at 26 Federal Plaza, New York, NY before District Adjudication Officer Baumgardner. At the conclusion of the interview, Plaintiff was required to submit a detailed statement regarding her membership and participation in the Communist Party of the Soviet Union during the period of 1980 through 1990. Plaintiff timely submitted an affidavit dated October 29, 2001, which described in detail why she had become a member of the Communist Party and her lack of active participation in the organization.

³ 28 U.S.C. §1391(e)(2).

⁴ 28 U.S.C. §1391(e).

11. In 2002, Plaintiff received a notice from the Bureau of U.S. Citizenship and Immigration Services requesting her to appear for fingerprinting in connection with her I-485 Application To Register Permanent Resident or Adjustment of Status. Mrs. Chayka complied with said fingerprint request just as she had previously complied with all previous requests.
12. Neither Mrs. Chayka nor her husband received anything further from the Bureau of U.S. Citizenship and Immigration Services for nearly four (4) years.
13. On January 29, 2005, the Bureau of U.S. Citizenship and Immigration Services issued an interview notice. Plaintiff and her husband were to appear for a Stokes Interview on July 13, 2006.
14. Mrs. Chayka appeared for the Stokes Interview on July 13, 2006; however, her husband, Mr. Nikolay Zhovtonizkho failed to appear. In December of 2005, Mr. Zhovtonizkho had traveled to the State of Washington to visit his children and has not returned to New York. The trip was supposed to last approximately one (1) month, but at some point Mr. Zhovtonizkho went to California and has remained there ever since. The couple continues to be married and speaks by phone on a regular basis. Plaintiff was prepared to proceed with the interview and brought supporting evidence with her to demonstrate that she entered into a *bona fide* marriage with Mr. Zhovtonizkho. However, no interview was conducted.
15. On August 7, 2007, Defendant, Mary Ann Ganter, issued a decision denying Mrs. Chayka's I-485 Application To Register Permanent Resident or Adjustment of Status based upon her husband's failure to attend the Stokes Interview. The decision stated Mrs. Chayka abandoned her application because of her husband's failure to appear despite the fact Mrs. Chayka did appear for the interview prepared to move forward and with supporting evidence as to the *bona fides* of her marriage.
16. Plaintiff filed a timely Motion to Reconsider/Reopen based upon the Matter of McKee and its progeny (Exhibit 2). The case was subsequently reopened and Mrs. Chayka was scheduled for yet another interview. Plaintiff's Adjustment of Status was the reason given for the third interview.
17. Plaintiff attended her adjustment of status interview on February 15, 2007 at the Garden City, New York office of the Bureau of U.S. Citizenship and Immigration Services (attached hereto as Exhibit 3). Plaintiff was once again prepared to go forward and had brought documentary evidence to show her marriage to Mr. Zhovtonizkho was *bona fide*; however, no interview was conducted, because the Garden City office did not have Mrs. Chayka's file. Plaintiff was told her interview would be rescheduled once the Garden City office received her file. To date, Plaintiff has yet to have another interview scheduled.
18. Over a year after her most recent interview appointment and seven (7) years since the case was originally filed, Mrs. Chayka has yet to receive a decision on her I-485 Application To Register Permanent Resident or Adjustment of Status.
19. On January 18, 2008, Plaintiff, through her attorney, sent a final written request for an adjudication of the I-485 Application To Register Permanent Resident or Adjustment of Status or

in the very least an explanation as to the delay to the Bureau of U.S. Citizenship and Immigration Services office at Garden City, New York as well as to the District Director for the New York District for (attached hereto as Exhibit 4). This letter clearly stated that if a response was not received within thirty (30) days, Plaintiff would seek relief in the form of a Writ of Mandamus (attached hereto as Exhibit 4). To date, neither Plaintiff nor her attorney has received any further information from the Bureau of U.S. Citizenship and Immigration Services.

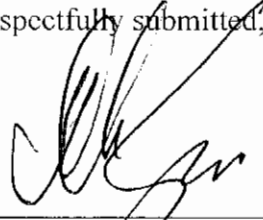
PRAYER

WHEREFORE, in view of the arguments and authorities noted herein, Plaintiffs respectfully pray that Court enter an order:

- a. Requiring Defendants to adjudicate Plaintiff's I-485 Application To Register Permanent Resident or Adjustment of Status as well as the I-130 Petition for Alien Relative upon which Plaintiff seeks to adjust her status;
- b. Awarding Plaintiff reasonable attorney's fees;
- c. Granting a preliminary injunction to maintain the status quo until the lawsuit can be determined on its merits; and
- d. Granting such other relief at law and in equity as justice may require.

Dated: March 7, 2008
New York, NY

Respectfully submitted,



Alexander J. Segal, Esq.
The Law Offices of Grinberg & Segal, P.L.L.C
111 Broadway, Suite 1306
New York, NY 10006
(212) 202-0342
Attorney for Plaintiff

EXHIBIT 1



Citizenship and Immigration Services
Adjudications Branch

CHAYKA, TATYANA
2015 E. 7TH ST APT B-5
BROOKLYN, NY 11223

A78 522 150
JANUARY 29, 2005

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	26 Federal Plaza, New York, NY 10278	ROOM NO. 8-100	FLOOR NO. 8TH
DATE AND HOUR	JULY 13, 2006	08:00 AM	(Disregard First Appointment)
ASK FOR	District Adjudications Officer:		
REASON FOR APPOINTMENT	STOKES INTERVIEW		
BRING WITH YOU	ATTACHMENT		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.
If you are unable to do so, state your reason, sign below and return this letter to this office at once.

Cc JACOBS FREDDY

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary Ann Gantner".

Mary Ann Gantner
Director, Citizenship and
Immigration Services
New York District

I am unable to keep this appointment because:	
Signature	Date

EXHIBIT 2

Adjustment of Status based upon Petitioner's husband, Mr. Nikolay Zhovtonizkho, failure to attend the interview.

III. Conclusion.

Brief Statement of Facts.

Petitioner, Mrs. Tatyana Chayka, is a native of the former Soviet Union and a citizen of Russia. On November 1, 2000, Mrs. Tatyana Chayka married Nikolay Zhovtonizkho. Shortly after the marriage, Mr. Nikolay Zhovtonizkho filed an I-130 Immediate Relative Petition on behalf of his new wife, Mrs. Tatyana Chayka, and on that same day, she filed an I-485 Application for Adjustment of Status.

The couple attended an interview on October 24, 2001 at 26 Federal Plaza, New York, New York before District Adjudication Officer Baumgardner. Mrs. Chayka and her husband believed the interview went well, in fact, the Interviewing Officer told them that everything was fine. The only problem was Mrs. Chayka's membership in the Communist Party of the Soviet Union during the period of 1980 through 1990. Following the interview with Ms. Baumgardner, Mrs. Chayka submitted an affidavit dated October 29, 2001 describing in detail why she became a member of the Communist Party and her lack of active participation in the organization (Exhibit B).

In 2002, Mrs. Tatyana Chayka received a notice from United States Citizenship and Immigration Services requesting her to be fingerprinted (Exhibit C). Mrs. Chayka complied with the fingerprint request. As they had complied with all requests of United States Citizenship and Immigration Services and had a successful interview, the couple waited for four (4) years for an approval notice and Mrs. Chayka's Lawful Permanent Resident card to arrive in the mail. Unfortunately, the couple neither received any approval notice nor Mrs. Chayka's Lawful Permanent Resident card, but rather, received a notice requesting their appearance for another interview scheduled for July 13, 2006 (Exhibit C). The notice for an interview was dated January 29, 2005.

Unfortunately, in the time between when the appointment notice was mailed to Mrs. Tatyana Chayka and Mr. Nikolay Zhovtonizkho, Mr. Zhovtonizkho went to visit his four (4) children from a previous marriage in the State of Washington and has failed to return to New York (Exhibit C). In December of 2005, Mr. Zhovtonizkho went to spend the New Year holidays with his children and their respective families (Exhibit C). Ms. Chayka expected him to be away for approximately one (1) month, but in February of 2006, she received a call from Mr. Zhovtonizkho from Sacramento, California (Exhibit C). Without any prior indication he was not going to return to New York, Mr. Zhovtonizkho informed Mrs. Chayka that he had taken employment in California and planned to remain there for the time being (Exhibit C).

Mrs. Chayka speaks with Mr. Zhovtonizkho often and has asked him to return to New York but each time he refuses and states he does not know when, or if, he will return to New York (Exhibit C). Despite Mrs. Chayka's requests for Mr. Zhovtonizkho to return to New York, he has failed to do so. On July 13, 2006, Mrs. Chayka and her attorney appeared for the interview

prepared to answer questions and to present evidence establishing the existence of a *bona fide* marriage between Mr. Nikolay Zhovtonizkho and Mrs. Tatyana Chayka (a sample of which is included as Exhibit D), however, no interview was conducted and the application was summarily deemed abandoned pursuant to 8 C.F.R. §103.2(b)(13) (Exhibit A).

Argument.

The Immigration and Nationality Act (hereinafter referred to as the “INA”) provides:

the status of an alien who was inspected and admitted or paroled into the United States [] may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if

- (1) the alien makes an application for such adjustment,
- (2) the alien is eligible to receive an immigrant visa and is admissible to the United States, and
- (3) an immigrant visa is immediately available to him at the time his application is filed.¹

An applicant who meets the objective criteria outlined in INA § 245(a) is eligible for an adjustment of status.² While eligibility for an adjustment of status does not entitle the applicant to an adjustment of status, “[i]n the absence of adverse factors, adjustment will ordinarily be granted[.]”³ Even in a situation “[w]here adverse factors are present in a given application, it may be necessary for the applicant to offset these by a showing of unusual or even outstanding equities. Generally, favorable factors such as family ties, hardship, length of residence in the United States, etc. will be considered as countervailing factors meriting favorable exercise of administrative discretion.”⁴ Furthermore, “[g]ood moral character is not a statutory requirement for relief under section 245, as is the case, for example, with suspension of deportation (244).”⁵

In the Matter of Leung the Board of Immigration Appeals stated “[t]he grant of an application for adjustment of status is a matter of discretion and administrative grace.”⁶ A review of the Matter of Leung shows this principle was established in the Matter of Ortiz-Prieto where the Board of Immigration Appeals held “the applicable statute does not contemplate that all aliens who meet the required legal standards will be granted adjustment of status to that of a permanent resident since the grant of an application for adjustment of status is a matter of discretion and of administrative grace, not mere eligibility; discretion must be exercised by the Attorney General even though statutory prerequisites have been met.”⁷ Furthermore, in the Matter of Leung, the

¹ INA § 245(a).

² Matter of Marques, I&N Dec. 314 (BIA 1977); Matter of Leung, 16 I&N Dec. 12 (BIA 1976); Matter of Ortiz-Prieto, 11 I&N Dec. 317 (BIA 1965).

³ Matter of Arai, 13 I&N Dec. 494 (BIA 1970).

⁴ Id.

⁵ Matter of Marques, *supra*.

⁶ District Director’s Decision, page 1 (August 14, 2006).

⁷ Matter of Ortiz-Prieto, 11 I&N at 319.

Board of Immigration Appeals held that the applicant for adjustment had failed to demonstrate outstanding equities such as close family ties or dependents living in the United States.

However, in the Matter of Arai, the Board of Immigration Appeals sought to clarify and modify this language used in the Matter of Ortiz-Prieto, “because it is too broad in its impact and probably more demanding than necessary.”⁸ The Board of Immigration Appeals explicitly held the language in the Matter of Arai would supersede the language of the Matter of Ortiz-Prieto.⁹

In the Matter of Arai, the Board of Immigration Appeals held that “it is difficult and probably inadvisable to set up restrictive guide lines for the exercise of discretion.”¹⁰ While eligibility for an adjustment of status does not entitle the applicant to an adjustment of status, “[i]n the absence of adverse factors, adjustment will ordinarily be granted[.]”¹¹ Furthermore, even in a situation “[w]here adverse factors are present in a given application, it may be necessary for the applicant to offset these by a showing of unusual or even outstanding equities. Generally, favorable factors such as family ties, hardship, length of residence in the United States, etc. will be considered as countervailing factors meriting favorable exercise of administrative discretion.”¹²

I. The District Director of Citizenship and Immigration Services for the New York City Office erred as a matter of law when she held that Petitioner failed to meet her burden of proof and therefore considered Petitioner’s application abandoned pursuant to 8 C.F.R. §103.2(b)(13).

The Code of Federal Regulations pertaining to Aliens and Nationality provides:

[i]f all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. Except as provided in 335.6 of this chapter, if a person requested to appear for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied.¹³

Under existing regulations, United States Citizenship and Immigration Services may require an I-130 visa petitioner and the beneficiary alien to undergo an interview; however, such an interview is not required. Pursuant to 8 C.F.R. §103.2(b)(9) “[a]n applicant, a petitioner, and/or a beneficiary *may* be required to appear for an interview.”¹⁴

⁸ Matter of Arai, 13 I&N Dec. 494, 495 (BIA 1970).

⁹ Id.

¹⁰ Id.

¹¹ Id. at 496.

¹² Id.

¹³ 8 C.F.R. §103.2(b)(13).

¹⁴ 8 C.F.R. §103.2(b)(9) (emphasis added).

Petitioner, Mrs. Tatyana Chayka appeared at the July 13, 2006 interview with her attorney as well as evidence (a sample of which is included as Exhibit D) to clearly and convincingly demonstrate she had entered into a *bona fide* marriage with Mr. Nikolay Zhovtonizkho though the couple is currently living apart. Mrs. Tatyana Chayka was prepared to answer any and all questions put forth to her by the Interview Officer.

Mr. Nikolay Zhovtonizkho failed to appear at the scheduled interview but for reasons outlined in more detail below, the I-130 Immediate Relative Petition, of which, Mrs. Chayka was the named beneficiary, and Mrs. Chayka's I-485 Application to Adjust Status should not have been deemed abandoned and subsequently denied.

In addition, Mr. Nikolay Zhovtonizkho and Mrs. Tatyana Chayka were previously interviewed on October 24, 2001. The couple completed an interview after which they were given the impression that everything went fine and a Lawful Permanent Resident card would be coming shortly to Mrs. Chayka. Petitioner is aware of no adverse findings or decisions on either the I-130 Immediate Relative Petition or her I-485 Application for Adjustment prior to the District Director's decision dated August 7, 2006.

II. The District Director of Citizenship and Immigration Services for the New York City Office erred as a matter of law when she denied the I-130 Immediate Relative Petition, which listed Petitioner as a beneficiary, and Petitioner's I-485 Application for Adjustment of Status based upon Petitioner's husband, Mr. Nikolay Zhovtonizkho, failure to attend the interview.

It is well settled law that a marriage valid at its inception is valid for immigration purposes even if the parties are separated and the marriage is no longer viable.¹⁵ In order to be deemed a valid marriage,¹⁶ the marriage must be valid in the place of its inception and not contrary to public policy.¹⁷ If either party was previously married, then said party must provide proof that all prior marriages have been terminated prior to entering into the marriage upon which the petition and application are based. The termination of each prior marriage must have been effectuated in accordance with the laws where the termination was rendered and not repugnant to public policy of the jurisdiction of the most recent marriage.¹⁸ In addition, the marriage cannot have been entered into fraudulently with the intent to evade the United States immigration laws. In order to demonstrate the marriage was entered into in good faith, the parties to the marriage must have subjectively intended to establish a life together when they were married.¹⁹

In the Matter of McKee, the Board of Immigration Appeals held "in the absence of evidence to support a finding of a fraudulent or sham marriage or evidence showing the legal dissolution of the marriage at the time of the adjustment, the denial of an adjustment of status application or the subsequent rescission of such grant cannot be based solely on the nonviability of the marriage at

¹⁵ Matter of Boromand, 17 I&N Dec. 450, 454 (BIA 1980).

¹⁶ Matter of G., 9 I&N Dec. 89 (BIA 1960).

¹⁷ Matter of H., 9 I&N Dec. 640 (BIA 1962).

¹⁸ Matter of Hosseinian, 19 I&N Dec. 453 (BIA 1987); Matter of H., 6 I&N Dec. 470 (BIA 1954).

¹⁹ Matter of Laureano, 19 I&N Dec. 1 (BIA 1983).

the time of the adjustment application.”²⁰ The Board of Immigration Appeals went further in the Matter of McKee and adopted the principle of Chan v. Bell²¹ which held that “where the parties to a marriage were living apart, but there was no contention that the marriage was a sham at its inception in that it had been entered into for the purpose of evading the immigration laws, the Service could not deny the visa petition solely because the parties were no longer living together.”²² Furthermore, the Court in Chan v. Bell “characterized the Attorney General’s role in the adjudication of immediate relative petitions [] as ‘limited: he is required to approve any true petition of a spouse of an American citizen in order that such spouse may secure immediate relative status.’”²³

Immigration benefits may still be granted even if the marriage is facing difficulties²⁴ and/or the parties are no longer living with one another,²⁵ the key is to determine whether the parties intended “to establish a life together at the time of their marriage.”²⁶ Though separation in and of itself is not a valid basis for denial of a visa petition, “it is a relevant factor in determining the parties’ intent at the time of their marriage, *i.e.*, whether the marriage is a sham.”²⁷ The duration of the separation is relevant to the inquiry but not dispositive in determining the intent of the parties.²⁸ Conduct before and after the marriage is relevant to the evaluation of their intent at the time the parties entered into the marriage.²⁹ The conduct by the parties after their marriage is relevant to the extent that it bears upon their subjective state of mind at the time they entered the marriage.³⁰

To demonstrate the subject intent of the parties to establish a life together, objective evidence, including, but is not limited to, the following should be submitted to United States Citizenship and Immigration Services: certificate of marriage issued by civil authorities; proof of legal termination of any and all previous marriages of both spouses; documentation showing joint ownership of property; lease and/or rent receipts showing joint tenancy of a common residence; documentation showing commingling of financial resources; birth certificates of children born to the marriage; affidavits by third parties having knowledge of the good faith of the marital relationship; copies of jointly filed tax returns; wedding pictures, photo albums, letters, telephone bills, and other memorabilia showing a genuine relationship developing over time before and after the couple’s wedding; and/or documentation of one spouse’s listing for benefits by the other spouse.

Though at this time it is difficult to say what will happen with their marriage, Mr. Nikolay Zhovtonizkho and Mrs. Tatyana Chayka entered into their marriage with the intent to establish a

²⁰ Matter of Boromand, *supra*.

²¹ Chan v. Bell, 464 F.Supp. 125 (D. D.C. 1978).

²² Matter of McKee, 17 I&N Dec. 332 (BIA 1980).

²³ *Id.* at 333-334 citing Chan v. Bell, 464 F.Supp. at 127.

²⁴ Agyeman v. INS, 296 F.3d 871, 883 (9th Cir. 2002).

²⁵ Hernandez v. Ashcroft, 345 F.3d 824, 845-849 (9th Cir. 2003); Dabaghian v. Civiletti, 607 F.2d 868 (9th Cir. 1979).

²⁶ Bark v. INS, 511 F.2d 1200, 1202 (9th Cir. 1975). *See also* Lutwak v. U.S., 344 U.S. 604 (1954); Agyeman v. INS, *supra*; Matter of McKee, *supra*; Matter of Laureno, *supra*.

²⁷ Matter of McKee at 17 I&N at 334. *See also* Bark v. INA, *supra*.

²⁸ *Id.*

²⁹ Matter of Soriano, 19 I&N Dec. 764 (BIA 1988).

³⁰ *Id.*

life together. Mrs. Tatyana Chayka and Mr. Nicholas Zhovtonizkho were married on November 1, 2000, nearly six (6) years ago and remain married to this date. The marriage was lawful under the laws of the State of New York. Both parties had been previously married to other persons, however, both had lawfully terminated said prior marriages before they were married to one another. The couple is currently living apart with Mr. Nikolay Zhovtonizkho residing in Sacramento, California and Mrs. Tatyana Chayka residing in Brooklyn, New York; however, neither spouse has initiated a divorce or legal separation.

The couple began living with one another prior to entering their marriage and continued to do so until Mr. Nikolay Zhovtonizkho failed to return from his trip to visit his family in the State of Washington. The couple leased and occupied an apartment (though the apartment numbers did change during this time as they relocated within the same building) located at 2015 East 7th Street, Brooklyn, NY over the past six (6) years. They currently have a lease for apartment number B5 in the same apartment building, which includes both of their names on the lease document.

Shortly after the marriage, Mr. Nikolay Zhovtonizkho filed an I-130 Immediate Relative Petition and on the same day, Mrs. Tatyana Chayka filed an I-485 Application to Adjust Status. The couple attended an interview together on October 24, 2001, after which, they were under the impression that everything was fine with their pending case. The only issue left to be resolved after the interview was Mrs. Chayka's affiliation with the Communist Party of the Soviet Union for which she promptly submitted an affidavit (Exhibit B). The couple waited to receive the approval but instead four (4) years later they received a notice for another interview (Exhibit C).

The couple has no children together as this is not either spouse's first marriage and they were older when they married. However, Mrs. Tatyana Chayka and Mr. Nikolay Zhovtonizkho established joint bank accounts and filed joint income taxes (Exhibit D). In addition, Mrs. Chayka added Mr. Zhovtonizkho to her health insurance coverage she receives through her employer (Exhibit D). Mr. Nikolay Zhovtonizkho and Mrs. Chayka have also collected third party affidavits attesting to their good faith marital relationship. The couple also has a plethora of photographs documenting their love and affection for one another from throughout their relationship. Mrs. Chayka brought photographs with her to the adjustment of status interview.

At the time of the interview scheduled on July 13, 2006, Mrs. Chayka came prepared to answer any and all questions regarding her marriage to Mr. Zhovtonizkho. She also brought substantial documentation to demonstrate the couple had entered into a *bona fide* marriage thought at this time they are separated. The couple is separated with Mr. Zhovtonizkho residing in California and there was no way Mrs. Chayka could force her husband to attend the July 13th interview. She did avail him of the date and time and informed him that the notice requested his presence as well.

Based upon the current law, Mr. Zhovtonizkho failure to appear at the interview should not have led to a summary denial of the I-130 Immediate Relative Petition or the I-485 Application to Adjust Status. Mrs. Chayka should have the opportunity to demonstrate she is eligible and entitled to the approval of the I-130 Immediate Relative Petition of which she is a beneficiary and approval of her I-485 Application to Adjust Status. There has been indication on the part of

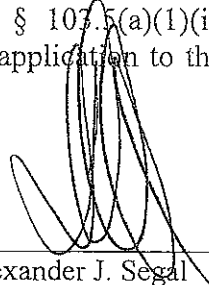
the Service that the marriage is or has been considered as a fraudulent marriage, in fact, there has been no adjudication of this case on the merits.

III. Conclusion.

For the foregoing reasons, Petitioner respectfully requests the United States Citizenship and Immigration Office reconsider/reopen the decision to deny the I-130 Immediate Relative Petition, of which petitioner, was a beneficiary, and Petitioner's I-485 Application to Adjust Status dated August 7, 2006 pursuant to 8 C.F.R. § 103.5(a)(1)(i) and grant Petitioner's adjustment of status or in the alternative, remand the application to the New York City Office with instructions for further review.

Respectfully submitted this 30th day of August 2006.

By: _____


Alexander J. Segal
2568 86th Street, 2nd Floor
Brooklyn, NY 11214
(718) 266-8410

U.S. Citizenship
and Immigration
Services

TATYANA CHAYKA
2015 EAST 7TH STREET APT 5B
BROOKLYN, NY 11223

Alien Number: A78 522 150

Date: **AUG 07 2006****DECISION ON APPLICATION FOR STATUS AS PERMANENT RESIDENT**

On December 7, 2000, you filed an Application To Register Permanent Resident or Adjust Status (Form I-485) in accordance with Section 245(a) of the Immigration and Nationality Act ("the Act"), as amended. The visa petition supporting the application had been previously filed pursuant to Section 201(b) of the Act, which provides for the granting of immediate relative status to the spouse of a citizen of the United States.

Pursuant to the investigation and examination of your application, it is determined that you are ineligible for adjustment of status for the following reason(s):

See Attachment(s)

Any employment authorization and/or advance parole granted on the basis of the application is terminated as of the date of receipt of this decision.

There is no appeal from the decision of the District Director. However, if you disagree with this decision or you have additional evidence that you feel would overcome it, you may submit a Motion to Re-open or Reconsider to this office with a filing fee of \$385.00. A motion to reopen must be submitted in writing and state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. Failure to follow these instructions could result in an unfavorable decision. The Motion to Re-open or Reconsider **MUST** be filed within 30 days (33 days if this notice was mailed) of the decision the motion seeks to re-open.

Sincerely,

Mary Ann Gantner

Mary Ann Gantner

District Director

tlc

Attachment(s)

Attachments

Applicant: TATYANA CHAYKA
Application To Register Permanent Resident or Adjust Status, Form I-485
Alien Number: A78 522 150

Your application is hereby denied in accordance with the Immigration and Nationality Act Section(s) listed below:

Immigration and Nationality Act Reference (United States Code Title 8, Section 1255):
Adjustment of Status of nonimmigrant to that of person admitted for permanent residence

Section 245(a) of the Act states in pertinent part:

"The Status of an alien who was inspected and admitted or paroled into the United States... may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) **the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence and** (3) an immigrant visa is immediately available to him at the time his application is filed" (Emphasis added.)

**8 CFR Reference: Part 103 – POWERS AND DUTIES OF SERVICE OFFICERS;
AVAILABILITY OF SERVICE RECORDS**

Title 8, Code of Federal Regulations, Part 103.2(b) states, in pertinent part:

(13) Effect of failure to respond to a request for evidence or appearance. If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. Except as provided in § 335.6 of this chapter, if an individual requested to appear for fingerprinting or for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the fingerprinting appointment or interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied."

Reason: On January 29, 2005, the Service mailed out an appointment notice for you and your spouse to be present for an interview in order to give testimony pertaining to the benefit sought. On July 13, 2006, the day of the interview you and your attorney were present. Your spouse, Nikolay Zhovtonizhko failed to appear. Service records indicated that the petitioner refused to attend the interview and failed to notify the Service of the reasons(s) why he could not be present. Since the petitioner was not present and based on the information given the Service officer could not continue the interview. It is determined that you have not met the burden of proof, therefore, the application is considered abandoned pursuant to 8 CFR 103.2(b)(13).

Since you have not met the requirements pursuant to Section 245(a) of the Act, your application for adjustment of status must be, and is hereby denied as a matter of law.

UNITED STATES DEPARTMENT OF JUSTICE
NEW YORK DISTRICT OFFICE-----X
In the Matter of Tatyana Chayka

A# 78522150

AFFIDAVIT

-----X
STATE OF NEW YORK)
)
COUNTY OF KINGS)

I, the undersigned Tatyana Chayka, hereby depose and say the following under penalty of perjury:

1. I am the beneficiary in the above captioned action.
2. I married the Nikolay Zhovtonizhko, the petitioner herein on November 1, 2000.
3. On or about November 16, 2000 my husband and I filed an I-130 and I-485 petitions for Adjustment of status to that of the permanent resident in the USA.
4. On October 24, 2001 my husband and I had an interview before District Adjudication Officer Ms. Baumgardner at 9.30 a.m. at the New York District office at 26 Federal Plaza, New York, New York 10278
5. I am now making this affidavit to provide an explanation as to why I had to be a member of the Communist Party of the Soviet Union during the period beginning 1980 through 1990.
6. I am a licensed high school teacher in Russian Federation since 1976, having graduated from Rostov Pedagogical Institute (University) in June 1976. Having worked for about four years as an English language teacher at Lagutnitskaya High School, Volgodonsk, Russia, in 1980 I was offered a promotion to the position of a Deputy Principal. As one the major conditions for the promotion I was required to become a member of the Communist Party of the Soviet Union.

In order to obtain any promotion in the Soviet Union where all jobs and organizations were effectively state funded until the final stage of the Gorbachev's "perestroika" (President Gorbachev's reform policy) in 1989, one had to become a member of the party. In fact, had I refused complying with the membership requirement, I would have never seen any promotion and would have worked as a teacher until now. Promotion of course, meant a better pay and a better life for my family and my children. In 1984 I was further promoted to become a Principal at the same school. Although I later changed a school, I continued to work in the capacity of a High School Principal until 1998, when I left Russia on my way to the USA.

Please also be advised that I have never played any active role in the Communist party beyond paying my fees and having a membership card, and in fact, I voluntarily left the party in 1990, when a membership in it seized to be a prerequisite for continuing my employment. I have been a member of no other political organization ever since.

Dated: 10/29/2001


Tatyana Chayka
Sworn to before me on this 29 day of
October 2001
Ester Tarashansky
Notary Public

ESTER TARASHANSKY
Notary Public, State of New York
No. 01TA5083715
Qualified in Kings County
Commission Expires August 18, 2005

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
NEW YORK DISTRICT OFFICE

In the Matter of Tatyana Chayka

A78 522 150

AFFIDAVIT

I, the undersigned, Tatyana Chayka, hereby depose and say the following under penalty of perjury:

1. I reside at 2015 East 7th Street, Apt. B5, Brooklyn, NY 11223, an apartment currently leased by my husband and myself. We have resided in this apartment building together since 2000; we first lived in apartment A4 and then later moved to apartment B5.
2. I am the beneficiary in the above-captioned action.
3. I married Nikolay Zhovtonizkho, the petitioner herein, on November 1, 2000.
4. On or about November 16, 2000, my husband filed an I-130 Immediate Relative Petition and on the same day, I filed an I-485 Application for Adjustment of Status.
5. On October 24, 2001, my husband and I had an interview with an Interview Officer at 26 Federal Plaza. The interview went fine and we answered all the questions asked. The Interview Officer told us everything was fine. In 2002, I went to have my fingerprints taken per an invitation mailed to me by U.S.C.I.S. We waited for four years thinking that I would be approved and would soon receive a green card but then we received a notice for another interview.

6. I received an appointment notice dated January 29, 2005 which stated my spouse and I must be present for an interview in order to give testimony pertaining to my being eligible for an Immediate Relative Visa and Adjustment of Status.
7. In December 2005, my husband, Nikolay Zhovtonizkho, went to the State of Washington to spend the New Year's holidays with his four children from a prior marriage. I expected him to return in about a month's time.
8. We remained in constant contact during the time he was visiting his children in Washington.
9. In February of 2006, he called me from Sacramento, California. He told me he had a job in California and that it was very warm and so he wanted to remain in California for the time being.
10. I constantly talk to my husband and asked him to come back to New York. His phone number in California is 503-975-6432. I reminded him of the interview with the United States Citizenship and Immigration Services office in New York.
11. Prior to his going to California, we lived together from October of 2000 until December 2005, when he unexpectedly went to California rather than returning to New York after visiting his children.
12. In or around May 2006, my husband, Mr. Zhovtonizkho, was in a car accident. He told me the accident severely damaged his car to the point that it was sent to a salvage yard. He never told me whether he was injured in the car accident.
13. I spoke with my husband prior to the interview and on several occasions and he refused to travel to New York. He told me he felt ill and very bad. He told me he did not want to move from his bed. He told me that I could have the Interview Officer call him if they wanted his testimony.

14. I believe my husband is afraid to fly and this is why he would not travel to New York for the interview. I think his car accident has caused him to really fear travel.
15. I have no plans to divorce my husband. I love him dearly and wish for him to come back to me. I tell him every time we speak that he can come home any time he wants to, that I will be here waiting for him to return to me.
16. After I and my attorney appeared for the interview and the government declined to interview me, my husband called me to see how everything went and I told him they refused to interview me. He felt horrible because he wants me to obtain permanent resident status here in the United States and we have both been waiting for this so long.
17. We have discussed the possibility of my moving to California so that we can be together, however, at this time it is not possible. The expense of moving keeps me from leaving New York and going to California to be with my husband.
18. I am also gainfully employed in New York, New York and I am a Notary Public, which makes it difficult for me to leave New York.


Dated: August 16, 2006



Tatyana Chayka

Sworn to before me on this

16th day of August 2006


Notary Public

ESTHER SEGAL
Notary Public, State of New York
No. 01SE5083715
Qualified in Kings County
Commission Expires August 18, 2009

copy



Department of the Treasury
Internal Revenue Service
PHILADELPHIA, PA 19255-1498

Transcript Delivery System Correspondence

Tracking ID: 100007209807
Date of Issue: 06-14-2006

000523.295999.0002.001 1 MB 0.326 530

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TATYANA CHAYKA & N ZHOVTONIZHK
2015 E 7TH ST APT B 5
BROOKLYN, NY 11223

Tax Period: December, 2005

Information about the Request We Received

In this letter, we'll report the status of the request we received.

We've enclosed the transcript or transcripts that you requested on June 14, 2006.

A transcript of account shows a summary of your tax return and subsequent actions taken. These actions could include payments, amended returns, and corrections we made to the original return due to math mistakes.

We have different types of information that we can give you about your account:

- * A return transcript will show you certain line items as reported on your tax return.
- * An account transcript summarizes your return and shows subsequent changes that you or we may have made.
- * A record of account has detailed information on both the line items from your return and on subsequent changes.

In addition, information for current tax years is available immediately on our computer systems.

Delivery time to you depends on how you submit your request and the delivery method you select to receive the information.

We're attempting to develop a new way to allow you to access your own tax account information on-line, but we have to make sure that unauthorized individuals won't get access to on-line accounts. While we currently don't have an on-line account system, you can get account information by calling your local IRS office (listed in your telephone directory), or our national toll free number 1-800-829-0922. You can also send us a completed Form 4506, Request for Copy or Transcript of Tax Form.

If you have any questions about information contained in the transcripts or other enclosed information, please call us at the IRS telephone number listed in your local directory or at 1-800-829-0922.

100007209807

This Product Contains Sensitive Taxpayer Data

Request Date: 06-14-2006
 Response Date: 06-14-2006
 IRS Employee Number: 6X4KB
 Tracking Number: 100007209807

Account Transcript

FORM NUMBER: 1040

TAX PERIOD: Dec. 31, 2005

TAXPAYER IDENTIFICATION NUMBER: 097-90-6333
 SPOUSE TAXPAYER IDENTIFICATION NUMBER: 537-25-6745

TATYANA CHAYKA & N ZHOVTONIZHKO
 2015 E 7TH ST APT B 5
 BROOKLYN, NY 11223-3167-257

Any minus sign shown below signifies a credit amount.

ACCOUNT BALANCE: 0.00
 ACCRUED INTEREST: 0.00
 ACCRUED PENALTY: 0.00

AS OF: Apr. 17, 2006
 AS OF: Apr. 17, 2006

ACCOUNT BALANCE
 PLUS ACCRUALS: 0.00

** EXEMPTIONS: 02

** FILING STATUS: Married Filing Joint

** ADJUSTED GROSS
 INCOME: 37,018.00
 ** TAXABLE INCOME: 20,618.00
 TAX PER RETURN: 2,364.00

** SE TAXABLE INCOME
 TAXPAYER: 0.00

** SE TAXABLE INCOME
 SPOUSE: 0.00

** TOTAL SELF
 EMPLOYMENT TAX: 0.00

** PER RETURN OR AS ADJUSTED

RETURN DUE DATE OR RETURN RECEIVED DATE (WHICHEVER IS LATER): Apr. 15, 2006

PROCESSING DATE: Apr. 17, 2006

TRANSACTIONS				
CODE	EXPLANATION OF TRANSACTION	CYCLE	DATE	AMOUNT
150	RETURN FILED AND TAX ASSESSED 08221-072-83902-6	2006140804	17-2006	\$2,364.00
806	WITHHOLDING CREDIT		04-15-2006	-\$2,827.00
846	REFUND		04-17-2006	\$463.00

This Product Contains Sensitive Taxpayer Data



APARTMENT LEASE

**ATTACHED RIDER SETS FORTH RIGHTS AND OBLIGATIONS OF TENANTS AND LANDLORDS
UNDER THE RENT STABILIZATION LAW. (LOS DERECHOS Y RESPONSABILIDADES
DE INQUILINOS Y CASEROS ESTÁN DISPONIBLE EN ESPAÑOL.)**

The Landlord and Tenant agree as of Sept. 1, 1998 to lease the Apartment as follows:

LANDLORD:

TENANT:

TRIMAR ASSOCIATES

Tatiana Tchaika

Address for Notices **P.O. BOX 347**

BROOKLYN, NY 11209

Apartment (and terrace, if any) **B5** at **2015 E. 7th St., Brooklyn, NY**

Bank

Term ONE (1) YEAR	beginning September 1,	19 98	ending August 31,	19 99
Yearly Rent \$ 8,040.00	Monthly Rent \$ 670.00		Security \$ 670.00	

1. **Use** The Apartment must be used only as a private Apartment to live in as the primary residence of the Tenant and for no other reason. Only a party signing this Lease may use the Apartment. The Apartment is subject to limits on the number of people who may legally occupy an Apartment of this size.

2. **Failure to give possession** Landlord shall not be liable for failure to give Tenant possession of the Apartment on the beginning date of the Term. Rent shall be payable as of the beginning of the Term unless Landlord is unable to give possession. Rent shall then be payable as of the date possession is available. Landlord must give possession within a reasonable time. If not, Tenant may cancel and obtain a refund of money deposited. Landlord will notify Tenant as to the date possession is available. The ending date of the Term will not change.

3. **Rent, added rent** The rent payment for each month must be paid on the first day of that month at Landlord's address. Landlord need not give notice to pay the rent. Rent must be paid in full without deduction. The first month's rent is to be paid when Tenant signs this Lease. Tenant may be required to pay other charges to Landlord under the terms of this Lease. They are called "added rent." This added rent will be billed and is payable as rent, together with the next monthly rent due. If Tenant fails to pay the added rent on time, Landlord shall have the same rights against Tenant as if Tenant failed to pay rent. If a check from Tenant to Landlord bounces, Tenant shall be charged \$25 for processing costs as added rent. If rent or added rent is not received within 5 days of the due date, Landlord may charge the Tenant a late fee of (1) \$25, or (2) 1 1/2% of the sum due, each month, as added rent.

4. **Notices** Any bill, statement or notice must be in writing. If to Tenant, it must be delivered or mailed to the Tenant at the Apartment. If to Landlord it must be mailed to Landlord's address. It will be considered delivered on the day mailed or if not mailed, when left at the proper address. A notice must be sent by certified mail. Each party must accept and claim the notice given by the other. Landlord must notify Tenant if Landlord's address is changed. Tenant must notify Landlord if Tenant joins the U.S. Military or becomes dependent on someone in it.

5. **Security** Tenant has given security to Landlord in the amount stated above. The security has been deposited in the Bank named above and delivery of this Lease is notice of the deposit. If the Bank is not named, Landlord will notify Tenant of the Bank's name and address in which the security is deposited.

If Tenant does not pay rent or added rent on time, Landlord may use the security to pay for rent and added rent then due. If Tenant fails to timely perform any other term in this Lease, Landlord may use the security for payment of money Landlord may spend, or damages Landlord suffers because of Tenant's failure. If the Landlord uses the security, Tenant shall, upon notice from Landlord, send to Landlord an amount equal to the sum used by Landlord. That amount is due, when billed, as rent. At all times Landlord is to have the amount of security stated above.

If Tenant fully performs all terms of this Lease, pays rent on time and leaves the Apartment in good condition on the last day of the Term, then Landlord will return the security being held.

If Landlord sells or leases the Building, Landlord may give the security to the buyer or lessee. In that event Tenant will look only to the buyer or lessee for the return of the security and Landlord will be deemed released. Landlord may use the security as stated in this section. Landlord may put the security in any place permitted by law. Tenant's security will bear interest only if required by law. Landlord will give Tenant the interest when Landlord is required to return the security to Tenant. Any interest returned to Tenant will be less the sum Landlord is allowed to keep. Landlord need not give Tenant interest on the security if Tenant is in default.

6. **Services** Landlord will supply: (a) heat as required by law, (b) hot and cold water for bathroom and kitchen sink, (c) use of elevator, if any, and (d) cooling if central air conditioning is installed. Landlord is not required to install air-conditioning. Stopping or reducing of service(s) will not be reason for Tenant to stop paying rent, to make a money claim or to claim eviction. Tenant may enforce its rights under the warranty of habitability. Damage to the equipment or appliances supplied by Landlord, caused by Tenant's act or neglect, may be repaired by Landlord at Tenant's expense. The repair cost will be added rent.

the Term. Tenant shall comply with the demand at Tenant's own cost. Landlord is not required to do or pay for any work unless stated in this Lease.

If a lien is filed on the Apartment or Building for any reason relating to Tenant's fault, Tenant must immediately pay or bond the amount stated in the Lien. Landlord may do so if Tenant fails within 20 days after Tenant has notice about the Lien. Landlord's costs shall be added rent.

8. **Repairs** Tenant must take good care of the Apartment and all equipment and fixtures in it. Landlord will repair the plumbing, heating and electrical systems. Tenant must, at Tenant's cost, make all repairs and replacements whenever the need results from Tenant's act or neglect. If Tenant fails to make a needed repair or replacement, Landlord may do it. Landlord's reasonable expense will be added rent.

9. **Fire, accident, defects, damage** Tenant must give Landlord immediate notice of fire, accident, damage or dangerous or defective condition. If the Apartment can not be used because of fire or other casualty, Tenant is not required to pay rent for the time the Apartment is unusable. If part of the Apartment can not be used, Tenant must pay rent for the usable part. Landlord shall have the right to decide which part of the Apartment is usable. Landlord need only repair the damaged part of the Apartment. Landlord is not required to repair or replace any fixtures, furnishings or decorations but only equipment that is originally installed by Landlord. Landlord is not responsible for delays due to settling insurance claims, obtaining estimates, labor and supply problems or any other cause not fully under Landlord's control.

If the apartment can not be used, Landlord has 30 days to decide whether to repair it. Landlord's decision to repair must be given by notice to Tenant within 30 days of the fire or casualty. Landlord shall have a reasonable time to repair. In determining what is a reasonable time, consideration shall be given to any delays in receipt of insurance settlements, labor trouble and causes not fully within Landlord's control. If Landlord fails to give Tenant notice of its decision within 30 days, Tenant may cancel the lease as of the date of the fire or casualty. The cancellation shall be effective only if it is given before Landlord begins to repair or before Landlord notifies Tenant of its decision to repair. If the fire or other casualty is caused by an act or neglect of Tenant or guest of Tenant all repairs will be made at Tenant's expense and Tenant must pay the full rent with no change. The cost of the repairs will be added rent.

Landlord has the right to demolish or rebuild the Building if there is substantial damage by fire or other casualty. Even if the Apartment is not damaged, Landlord may cancel this Lease within 30 days after the substantial fire or casualty by giving Tenant notice of Landlord's intention to demolish or rebuild. The Lease will end 30 days after Landlord's cancellation notice to Tenant. Tenant must deliver the Apartment to Landlord on or before the cancellation date in the notice and pay all rent due to the date of the fire or casualty. If the Lease is cancelled Landlord is not required to repair the Apartment or Building. The cancellation does not release Tenant of liability in connection with the fire or casualty. This Section is intended to replace the terms of Real Property Law § 227.

10. **Liability** Landlord is not liable for loss, expense, or damage to any person or property, unless Landlord is negligent. Landlord is not liable to Tenant for permitting or refusing entry of anyone into the Building.

Tenant must pay for damages suffered and reasonable expenses of Landlord relating to any claim arising from any act or neglect of Tenant. If an action is brought against Landlord arising from Tenant's act or neglect Tenant shall defend Landlord at Tenant's expense with an attorney of Landlord's choice.

Tenant is responsible for all acts or neglect of Tenant's family, employees, guests or invitees.

Tenant is responsible for Tenant's security.

11. **Entry by Landlord** Landlord may enter the Apartment at reasonable hours to: repair, inspect, exterminate, install or work on master antennas or other systems or equipment and perform other work that Landlord decides is necessary or desirable. At reasonable hours Landlord may show the Apartment to possible buyers, lenders, or tenants of the entire Building or land. At reasonable hours Landlord may show the Apartment to possible or new tenants during the last 4 months of the Term. Entry by Landlord must be on reasonable notice except in emergency.

12. **Assignment and sublease** Tenant must not assign all or part of this

Read INSTRUCTIONS TO OWNER and TO TENANT on reverse side before filling out or signing this form.

THIS IS A NOTICE FOR RENEWAL OF LEASE AND RENEWAL LEASE FORM PROMULGATED PURSUANT TO SECTION 2523.5(a) OF THE NEW YORK CITY RENT STABILIZATION CODE. ALL COPIES OF THIS FORM MUST BE SIGNED BELOW AND RETURNED TO YOUR LANDLORD WITHIN 60 DAYS.

DATE 02/26/2008

Tenant's Name and Address:

Owner's/Agent Name & Address

NIKOLAY ZHOUTON L ZHKO
TALLIANA CHAYKA
2015 E 7th St., #A4
BROOKLYN, NY

PRINAP ASSOCIATES
PO BOX 411
BKLYN, NY 11209

1. The owner hereby notifies you that your lease will expire on: 05/30/2002
MONTH DAY YEAR

PART A — OFFER TO TENANT TO RENEW

2. You may renew this lease, for one or two years, at your option, as follows:

Col. a Renewal Term	Col. b Legal Rent On Sept. 30th Preceding Commencement Date Of This Renewal Lease	Col. c Authorized Applicable Guideline Increase (If unknown, check box <input type="checkbox"/> and see below)*	Col. d Applicable Guide- line Supplement, If Any	Col. e Lawful Rent Increase Adj., If Any, Effective After Sept. 30th Indicated in Col. b	Col. f Separate charge, if any (Specify under item 4 below)	Col. g New Rent (If lower rent is to be charged check box <input type="checkbox"/> and see 5 below)**
<input type="checkbox"/> 1 Year	\$ <u>475.00</u>	(4.00%) \$ <u>27.00</u>	\$	\$	\$	\$ <u>702.00</u>
<input type="checkbox"/> 2 Year	SAME AS ABOVE	(5.00%) \$ <u>40.50</u>	\$	\$	\$	\$ <u>715.50</u>

*If applicable guideline rate is unknown at time offer is made, check box in column c and enter current guideline which will be subject to adjustment when new rates are ordered.

**The rent provided for in this renewal lease may be increased or decreased pursuant to an order of the Division of Housing and Community Renewal (DHCR) or Rent Guidelines Board (RGB)

3. Security Deposit:

Current Deposit: \$ 715.50 Additional Deposit Required—1 year lease: \$ 702.00 —2 year lease: \$ 715.50

4. Specify separate charges if applicable:

Air Conditioner — Electricity Charge: \$ /mo. — Unit Charge: \$ /mo.

421 a (2.2%): \$ /mo. Other (Describe): \$ /mo.

5. Lower Rent to be charged, if any. \$ Agreement attached: ☐ yes ☐ no

6. This renewal lease shall commence on 07/01/2002, which shall not be less than 120 days nor more than 150

MONTH DAY YEAR

days from the date of mailing or personal delivery of this Renewal Lease Form. This renewal lease shall terminate on

07/01/2003 ☐ 1 year lease or 06/30/2004 ☒ 2 year lease.
MONTH DAY YEAR MONTH DAY YEAR

7. This renewal lease is based on the same terms and conditions as your expiring lease, except that _____ lawful provisions attached and _____ written agreements between owner and tenant attached have been added. (Indicate in the blank spaces as applicable, the number of additional provisions or written agreements attached).

This form becomes a binding lease renewal when signed by the owner below and returned to the tenant. A rider setting forth the rights and obligations of tenants and landlords under the Rent Stabilization Law must be attached to this lease when signed by the owner and returned to the tenant (Los derechos y responsabilidades de inquilinos y caseros estan disponible en espanol).

PART B—TENANT'S RESPONSE TO OWNER

Tenant: Check and complete where indicated one of the two responses below after reading instructions on reverse side. Then date and sign your response below. You must return this Renewal Lease Form to the owner in person or by regular mail, within 60 days of the date this Notice was served upon you by the owner. Your failure to do so may be grounds for the commencement of an action by the owner to evict you from your apartment.

☒ I (we) the undersigned tenant(s), agree to enter into a 2 year renewal lease at a monthly rent of \$ 715.50. This renewal lease is based on the same terms and conditions as my (our) expiring lease, and further attached lawful provisions and attached written agreements, if any (see item 7 under PART A above).

☐ I (we) will not renew my (our) lease and I (we) intend to vacate the apartment on the expiration date of the present lease set forth above.

Dated: 02/26/02

Tenant's Signature(s): X

Owner's Signature: X

BILL

6/26/2006

TATYANA CHAYKA
Unit B5
2015 E.7TH ST.
BROOKLYN NY 11223

TRIMAR ASSOCIATES
P.O Box 9020
Hicksville, NY 11802-9020

2015-B5

Description	Previous	Current	Balance
APT RENT		818.40	818.40
Total For 07/01/06			818.40

Keep this portion for your records

Return this portion with your payment

BILL

5/24/2006

TATYANA CHAYKA
Unit B5
2015 E.7TH ST.
BROOKLYN NY 11223

TRIMAR ASSOCIATES
P.O Box 9020
Hicksville, NY 11802-9020

2015-B5

Description	Previous	Current	Balance
APT RENT		818.40	818.40
Total For 06/01/06			818.40

Keep this portion for your records

Return this portion with your payment

BILL

4/24/2006

TATYANA CHAYKA
Unit B5
2015 E.7TH ST.
BROOKLYN NY 11223

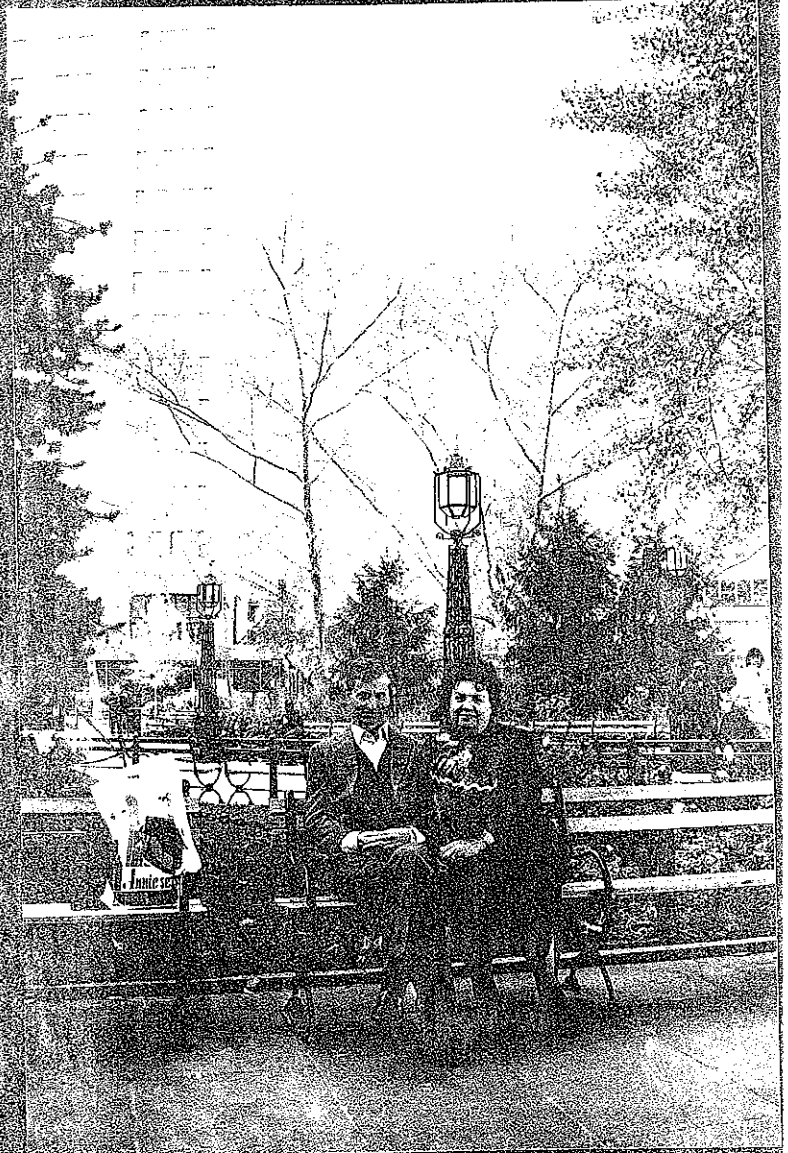
TRIMAR ASSOCIATES
P.O Box 9020
Hicksville, NY 11802-9020

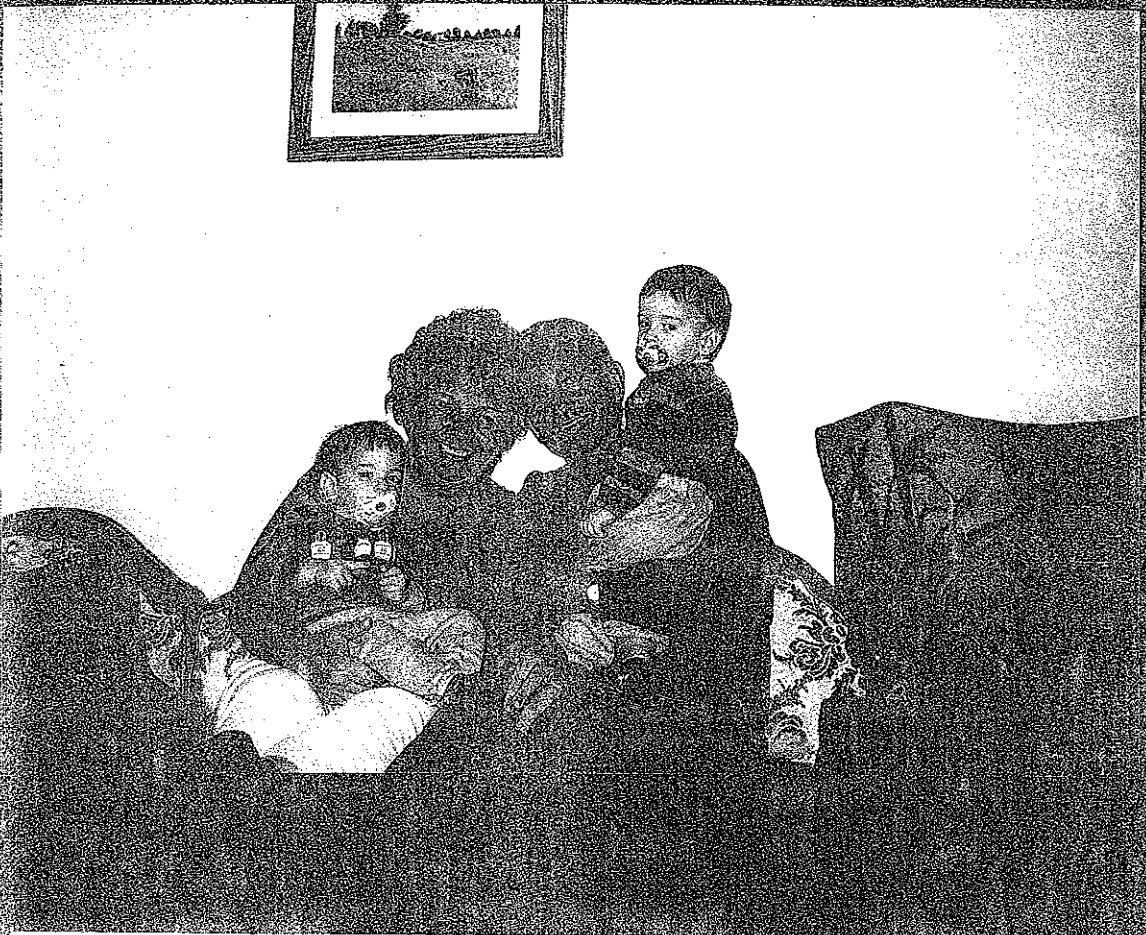
2015-B5

APT RENT		818.40	818.40
Total For 05/01/06			818.40

Keep this portion for your records

Return this portion with your payment





Annual Apartment Registration - 2003

STATE OF NEW YORK

DIVISION OF HOUSING AND COMMUNITY RENEWAL

DCHCR website: www.dhcr.state.ny.us

Processing Services Unit, Hampton Plaza, 38-40 State St., Albany, NY 12207

1. Building Registration ID Number: 334217		8. Legal Regulated Rent on 04/01/2003: 715.50 PER <input checked="" type="checkbox"/> Month <input type="checkbox"/> Week		10. Lease in effect on 04/01/2003: <input type="checkbox"/> None	
2. Tenant(s) in occupancy on April 1, 2003: CHAYIKA, TATIANA ZHOUTONIZ, A		9a. Actual Rent Paid on 04/01/2003 if different from Legal Regulated Rent: PER <input type="checkbox"/> Month <input type="checkbox"/> Week		BEGAN: 07/01/2002 EXPIRES: 06/30/2004	
3. Street: 2015 EAST 7TH STREET		9b. Reason for difference: <input type="checkbox"/> Sr. Citizen <input type="checkbox"/> DHCR Rent <input type="checkbox"/> Section 8 (SCRIE) <input type="checkbox"/> Reduction Order <input type="checkbox"/> Preferential Rent <input type="checkbox"/> Other:		11. Rent has changed since 2002 due to: (check all that apply) <input type="checkbox"/> Second Succession <input checked="" type="checkbox"/> Lease Renewal <input type="checkbox"/> Vacancy Lease <input type="checkbox"/> 421-A 2.2 %	
4. Apt.: A4		5. City, Town, Village: BROOKLYN, NY 11223		12. Rent changes since 2002 Registration due to DHCR Rent Adjustment Order(s) (check all that apply) <input type="checkbox"/> Major Capital Improvement <input type="checkbox"/> Fair Market Rent Appeal <input type="checkbox"/> Hardship <input type="checkbox"/> Rent Overcharge	
7a. If this apartment is TEMPORARILY exempt, indicate the reason below: <input type="checkbox"/> Transient Occupancy in Hotel / SRO <input type="checkbox"/> Owner Occupied/Employee <input type="checkbox"/> Other <input type="checkbox"/> Commercial/Professional (no c/o) <input type="checkbox"/> Not Prime Residence / Not for Profit		7b. If this apartment became PERMANENTLY exempt since 2002 Registration, indicate effective date and reason: <input type="checkbox"/> High Rent Vacancy - indicate Last Legal Regulated Rent \$ PER <input type="checkbox"/> Month <input type="checkbox"/> Week <input type="checkbox"/> High Rent/High Income (DHCR has issued a final order exempting the apartment) <input type="checkbox"/> Commercial/Professional (with c/o) <input type="checkbox"/> Co-op/Condo Occupied by Owner or Non-Protected Tenant <input type="checkbox"/> Substantial Bldg. Rehab. <input type="checkbox"/> Other		12. Rent changes since 2002 Registration due to DHCR Rent Adjustment Order(s) (check all that apply) <input type="checkbox"/> Major Capital Improvement <input type="checkbox"/> Fair Market Rent Appeal <input type="checkbox"/> Hardship <input type="checkbox"/> Rent Overcharge	
13. Rent changes since 2002 Registration instituted WITHOUT a DHCR order (specify as many as apply)		Qualifying expiration of: <input type="checkbox"/> Sec. 11-243 (J-51) <input type="checkbox"/> Sec. 608 <input type="checkbox"/> Sec. 421-A		14. (select one) <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Managing Agent <input type="checkbox"/> Co-op/Condo Owner	
Effective Monthly Mo/Yr. Rent Increase Stove Refrigerator Dishwasher A/C Windows Other Other Description		MERIDIAN PROPERTIES, LTD. P.O. BOX 411 BROOKLYN, NY 11209		For Additional Information About Registration: DHCR has a Registration Infoline to answer tenant questions concerning rent registration, and provides information and complaint resolution services for all tenant protection laws. For assistance call DHCR's Registration Infoline at: (718) 739-6400	
Tenant: This form shows information provided by your building owner for the amount of rent you paid on April 1, 2003. Check that the rent you paid on April 1, 2003 matches either the Legal Regulated the Actual Rent Paid (item 9a). Note: If you have a Section 8 rent certificate, the amount you paid is on your certificate. Certain changes in rent that are not the result of a lease renewal are allowed by Rent Stabilization and ETPA regulations. These changes are shown in items 12 and 13. Information about these changes is provided below.		The owner is entitled to increase the rent when a tenant renews a lease or when a new tenant enters into a lease upon moving into an apartment (shown in item 11). Tenant may select a 1 or 2 year renewal or vacancy lease. The percentage of maximum permissible increases are established by the Rent Guidelines Board for the County in which the building is located. For vacancy leases starting on or after June 15, 1997, in addition to any vacancy allowances authorized by the Rent Guidelines Board, the owner is entitled to collect the vacancy increases provided for by the Rent Regulation Reform Act of 1997. In addition to Guideline Increases, and the vacancy increases authorized by the Rent Guidelines Board and the Rent Regulation Reform Act of 1997, the Legal Rent may change (increase or decrease) as a result of building wide rent adjustments authorized by DHCR, as shown in item 12, or because of individual apartment improvements, new equipment, furnishings or services, as shown in item 13. If you are paying the Legal Regulated Rent (item 8) and you believe that the amount is not correct, you should immediately discuss this information with the building owner. If it cannot be resolved with the owner, you may file an overcharge complaint with the Division of Housing and Community Renewal (DHCR).		Window Guards Save Lives: If you have a child (or children) 10 years-of-age or younger, New York City law requires the owner of your building to install window guards in your apartment and in public areas of the building. The cost of these window guards may be passed along to tenants, however, no more than \$10 per window guard may be charged separate from your rent. Families that receive Public Assistance or have Section 8 rent subsidy certificates do not have to pay for the installation of window guards directly.	
RR2A(PC2003)		Inquilto - Conserve Este Documento		Si usted cree que la cantidad de su renta es incorrecta o ha sido computada incorrectamente, vea las instrucciones provistas mas abajo para llenar una queja de sobrecargo con relacion a la registracion. Provisto que el apartamento haya sido proplament registrado. Como llenar una queja por sobrecargo. Los formularios para quejas de sobrecargo (Numero RA-89) pueden ser obtenidos visitando o llamando cualquier oficina de Administracion de Rentas de DHCR.	

Tenant Copy

A. CONTROL NUMBER		This Information is being furnished to the Internal Revenue Service		OMB NO. 1545-0008		1 WAGES, TIPS, OTHER COMPENSATION		6556.70		2 FEDERAL INCOME TAX WITHHELD		347.97					
B. EMPLOYER IDENTIFICATION NUMBER				D. EMPLOYEE'S SOCIAL SECURITY NUMBER				3 SOCIAL SECURITY WAGES		6556.70		4 SOCIAL SECURITY TAX WITHHELD		406.52			
58-2552519				537-25-6745				5 MEDICARE WAGES AND TIPS		6556.70		6 MEDICARE TAX WITHHELD		95.07			
C. EMPLOYER'S NAME, ADDRESS, AND ZIP CODE								7 SOCIAL SECURITY TIPS		8 ALLOCATED TIPS		9 ADVANCE EIC PAYMENT		10 DEPENDENT CARE BENEFITS			
24289 FORCE ONE INTERNATIONAL SECURITY & CONSULTANT 892 BOWBELL ROAD GREENE NY 13778																	
E. EMPLOYEE'S FIRST NAME AND INITIAL LAST NAME								11 NONQUALIFIED PLANS		12 a-d		13 STATUTORY EMPLOYEE		RETIREMENT PLAN		THIRD-PARTY SICK PAY	
NICKOLAY ZHOVTONIZHKO 2015 E. 7TH STREET APT #85 BROOKLYN NY 11223								14 OTHER NY T01= 12.00									
15 STATE		EMPLOYER'S STATE I.D. NO.		16 STATE WAGES, TIP, ETC.		17 STATE INCOME TAX		18 LOCAL WAGES, TIPS, ETC.		19 LOCAL INCOME TAX		20 LOCALITY NAME					
NY		582552519		6556.70		150.90		6556.70		99.74		NYC RES					

Copy 2 To be filed with Employee's STATE, CITY or LOCAL tax return

2005Dept of the Treasury - Internal Revenue Service
FOLD AND TEAR ALONG PERFORATIONFORM **W-2 Wage and Tax Statement**

OMB No. 1545-0008		Department of the Treasury-Internal Revenue Service	
1 Wages, tips, other compensation		2 Federal income tax withheld	
30439.10		2479.05	
3 Social security wages		4 Social security tax withheld	
30439.10		1887.22	
5 Medicare wages and tips		6 Medicare tax withheld	
30439.10		441.37	
c Employer's name, address, and ZIP code			
347 PROJECT OHR INC 80 MAIDEN LANE NEW YORK NY 10038 #535 04			
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
12b		12c	
12d			
b Employer identification number		d Employee's social security number	
11-2518432		097-90-6333	
13 Statutory employee		Retirement plan	
Third-party sick pay		14 Other	
e Employee's name, address, and ZIP code			
#081556 TATYANA CHAYKA 2015 EAST 7TH STREET APT # B-5 BROOKLYN NY 11223			
Form		15 State Employer's state ID number	
W-2		NY	
Wage and Tax Statement		16 State wages, tips, etc.	
		30439.10	
		17 State income tax	
		1105.84	
		18 Local wages, tips, etc.	
		30439.10	
		19 Local income tax	
		696.81	
		20 Locality name	
		NYC	

Copy 2 To Be Filed With Employee's
State, City, or Local Income Tax Return:

FORM W-2 Wage and Tax Statement
Copy C For EMPLOYEE'S RECORDS (See notice on back of copy B)

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

These substitute W-2 Wage and Tax Statements are acceptable for filing with your Federal, State and Local Income Tax Returns.
If you worked in multiple locations, or had several forms of special compensation, you may receive more than one of these documents.

		Gross	Deferred Comp.	Other Pretax	W-2 Wages
All four copies of your W-2 are on this page, separated by perforations. The white copies are for your tax returns; the blue copy is for your records. General instructions for these forms, including an explanation of the letter codes used in box 12, are printed on the reverse side of this page.		Federal Box 1	6556.70		6556.70
To the right is an explanation of the contents of the wage boxes on your W-2. Please note that the Gross amount shown may include adjustments.		Soc. Sec. Box 3 & 7	6556.70		6556.70
*** Please refer to the notice that your employer received in regards to the changes in New York state and local wage reporting.		Medicare Box 5	6556.70		6556.70
		State Box 16	6556.70		6556.70
		Local Box 18	6556.70		6556.70

A. CONTROL NUMBER	This information is being furnished to the Internal Revenue Service	2005	OMB NO. 1545-0008	1 WAGES, TIPS, OTHER COMPENSATION	2 FEDERAL INCOME TAX WITHHELD
B. EMPLOYER IDENTIFICATION NUMBER	D. EMPLOYEE'S SOCIAL SECURITY NUMBER	58-2552519	537-25-6745	3 SOCIAL SECURITY WAGES	4 SOCIAL SECURITY TAX WITHHELD
C. EMPLOYER'S NAME, ADDRESS, AND ZIP CODE				5 MEDICARE WAGES AND TIPS	6 MEDICARE TAX WITHHELD
FORCE ONE INTERNATIONAL SECURITY & CONSULTANT 892 BOWBELL ROAD GREENE NY 13778				7 SOCIAL SECURITY TIPS	8 ALLOCATED TIPS
E. EMPLOYEE'S FIRST NAME AND INITIAL LAST NAME				9 ADVANCE EIC PAYMENT	10 DEPENDENT CARE BENEFITS
NICKOLAY ZHOVTONIZHKO 2015 E. 7TH STREET APT #85 BROOKLYN NY 11223				11 NONQUALIFIED PLANS	12 a-d
				14 OTHER NY TDI= 12.00	
				13 <input type="checkbox"/> STATUTORY EMPLOYEE <input type="checkbox"/> RETIREMENT PLAN <input type="checkbox"/> THIRD-PARTY SICK PAY	
15 STATE	EMPLOYER'S STATE I.D. NO.	16 STATE WAGES, TIP, ETC.	17 STATE INCOME TAX	18 LOCAL WAGES, TIPS, ETC.	19 LOCAL INCOME TAX
NY	582552519	6556.70	150.90	6556.70	99.74
				20 LOCALITY NAME NYC RES	

OMB No. 1545-0008

Department of the Treasury-Internal Revenue Service

1 Wages, tips, other compensation	2 Federal income tax withheld
30439.10	2479.05
3 Social security wages	4 Social security tax withheld
30439.10	1887.22
5 Medicare wages and tips	6 Medicare tax withheld
30439.10	441.37
c Employer's name, address, and ZIP code	
PROJECT OHR INC 80 MAIDEN LANE NEW YORK NY 10038 #535 04	
7 Social security tips	8 Allocated tips
10 Dependent care benefits	11 Nonqualified plans
12a See instructions for box 12	
12b	12c
b Employer identification number	d Employee's social security number
11-2518432	097-90-6333
13 Statutory employee	14 Other
<input type="checkbox"/>	<input type="checkbox"/>
e Employee's name, address, and ZIP code	
TATYANA CHAYKA 2015 EAST 7TH STREET APT # B-5 BROOKLYN NY 11223 #081556	
Form	15 State Employer's state ID number
W-2	NY
16 State wages, tips, etc.	
30439.10	
17 State income tax	18 Local wages, tips, etc.
1105.84	30439.10
19 Local income tax	20 Locality name
696.81	NYC

Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return.

Form W-2 **COPY C** **2004**
 Case 1:08-cv-00492-LAK Document 1-1 Filed 03/12/2018 Page 4 of 30
 OMB No. 1545-0008

a Control number 201	1 Wages, tips, other comp. 8526.07	2 Federal income tax withheld 759.19
b Employer's EIN 06-1183902	3 Social security wages 8526.07	4 Social security tax withheld 528.64
d Employee's SSN 537-25-6745	5 Medicare wages and tips 8526.07	6 Medicare tax withheld 123.64
c Employer's name, address and ZIP code BRIDGE SECURITY SERVICES, INC. 16 COURT STREET #2407 BROOKLYN, NY 11241		
13 Statutory employee	Retirement plan	Third-party sick pay
e Employee's name, address and ZIP code NIKOLAY ZHOVTONIZHKO 2015 E 7TH STREET APT #B5 BROOKLYN NY 11223		
7 Social security tips	8 Allocated tips	9 Advance EIC payment
10 Dependent care benefits	11 Nonqualified plans	
12 See Instrs. for box 12	14 Other UI/DB	22.28
15 State NY	Employer's state I.D. # 06-1183902	16 State wages, tips, etc. 8526.07
		17 State income tax 146.39
18 Local wages, tips, etc. 8526.07	19 Local income tax 100.75	20 Locality name NYC

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

Dept. of the Treasury - IRS

2004 EMPLOYER EARNINGS STATEMENT

This Earnings Statement provides you with more information pertaining to your W-2 and tax status. Also see the reverse side for IRS instructions.

1. W-4 Information reflects data submitted to your employer on form W-4

Soc. Sec. No.: 537-25-6745

Marital Status: Single

Exemptions

Federal: 0

State: 0

Local: 0

2. Taxable W-2 Wages

	Wages, Tips Other Comp. Box 1	Soc. Sec. Wages Box 3	Medicare Wages Box 5	State Wages Box 16
Gross Pay	8526.07	8526.07	8526.07	8526.07
Wages Reported On W-2	8526.07	8526.07	8526.07	8526.07

BDB

2004 Broadway Data Base, Inc.

OMB No. 1545-0008

Department of the Treasury-Internal Revenue Service

1 Wages, tips, other compensation 7167.35	2 Federal income tax withheld 540.09
3 Social security wages 7167.35	4 Social security tax withheld 444.37
5 Medicare wages and tips 7167.35	6 Medicare tax withheld 103.93

c Employer's name, address, and ZIP code

313

#535 04

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK NY 10038

7 Social security tips	8 Allocated tips	9 Advance EIC payment
10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12
12b	12c	12d

b Employer identification number
11-2518432

d Employee's social security number
097-90-6333

13 Statutory employee
14 Other

15 State Employer's state ID number
NY

16 State wages, tips, etc.
7167.35

17 State income tax
239.61

18 Local wages, tips, etc.
7167.35

19 Local income tax
153.99

20 Locality name
NYC

21 State, City, or Local Income Tax Return

22

23

24

OMB No. 1545-0008

Department of the Treasury-Internal Revenue Service

1 Wages, tips, other compensation 7167.35	2 Federal income tax withheld 540.09
3 Social security wages 7167.35	4 Social security tax withheld 444.37
5 Medicare wages and tips 7167.35	6 Medicare tax withheld 103.93

c Employer's name, address, and ZIP code

313

#535 04

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK NY 10038

7 Social security tips	8 Allocated tips	9 Advance EIC payment
10 Dependent care benefits	11 Nonqualified plans	12a See instructions for box 12
12b	12c	12d

b Employer identification number

11-2518432

d Employee's social security number

097-90-6333

13 Statutory employee
14 Other

15 State Employer's state ID number
NY

16 State wages, tips, etc.
7167.35

17 State income tax
239.61

18 Local wages, tips, etc.
7167.35

19 Local income tax
153.99

20 Locality name
NYC

21 State, City, or Local Income Tax Return

22

23

24

25

26

50988896

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

73966507
20063454

New York State
Department of Taxation and Finance
Income Tax
W A Harriman Campus
Albany, NY 12227-0125

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
ALBANY, NY
PERMIT NO. 64



ZHOVTONIZHKO-NIKOLAY & CHAYKA, TATYANA
2015 E 7 ST B5
BROOKLYN NY 11223-3167

BAPJEM3 11223



50988896

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

73966507
20063454

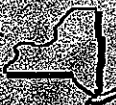
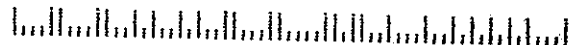
New York State
Department of Taxation and Finance
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Albany, NY 12227-0125

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
ALBANY, NY
PERMIT NO. 64



ZHOVTONIZHKO-NIKOLAY & CHAYKA, TATYANA
2015 E 7 ST B5
BROOKLYN NY 11223-3167

BAPJSM3 11223



New York State Department
of Taxation and Finance

THIS IS NOT A CHECK

Amount

Check Number

Check Date

Document Locator
Number

\$766.00

50988896

APR 1 2005

20063454

ZHOVTONIZHKO-NIKOLAY & CHAYKA, TATYANA
2015 E 7 ST B5
BROOKLYN NY 11223-3167

nonyun 380 *[Signature]*

IT-796-ATT (8/03)


Detach before cashing and retain as evidence of refund.

037102 76653527

United States Treasury

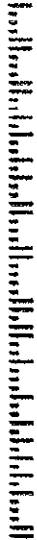
15-51
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5 322,791,610

Check No. 

03 25 05 22 AUSTIN, TEXAS 2306 76653527


76653527 130 012040811ZHOV ANDOVERTAX REFUND

Pay to the order of  12/04

NIKOLAY ZHOVTONI ZHKO & T CHAYKA
2015 E 7TH ST APT B 5
BROOKLYN NY 11223-3167

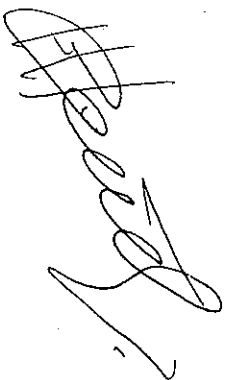
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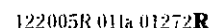
VOID AFTER ONE YEAR

 454

⑈ 23067 ⑈

⑆000000518⑆ 766535275 ⑈ 040305

nikolay bso 



Help Us Keep Your Earnings Record Accurate

You, your employer and Social Security share responsibility for the accuracy of your earnings record. Since you began working, we recorded your reported earnings under your name and Social Security number. We have updated your record each time your employer (or you, if you're self-employed) reported your earnings.

Remember, it's your earnings, not the amount of taxes you paid or the number of credits you've earned, that determine your benefit amount. When we figure that amount, we base it on your average earnings over your lifetime. If our records are wrong, you may not receive all the benefits to which you are entitled.

▼ **Review this chart carefully** using your own records to make sure our information is correct and that we've recorded each year you worked. You're the only person who can look at the earnings chart and know whether it is complete and correct.

Some or all of your earnings from **last year** may not be shown on your *Statement*. It could be that we still were processing last year's earnings reports

when your *Statement* was prepared. Your complete earnings for last year will be shown on next year's *Statement*. **Note:** If you worked for more than one employer during any year, or if you had both earnings and self-employment income, we combined your earnings for the year.

▼ **There's a limit on the amount of earnings on which you pay Social Security taxes each year.** The limit increases yearly. Earnings above the limit will not appear on your earnings chart as Social Security earnings. (For Medicare taxes, the maximum earnings amount began rising in 1991. Since 1994, **all** of your earnings are taxed for Medicare.)

▼ **Call us right away at 1-800-772-1213** (7 a.m.–7 p.m. your local time) if any earnings for years **before last year** are shown incorrectly. If possible, have your W-2 or tax return for those years available. (If you live outside the U.S., follow the directions at the bottom of Page 4.)

Your Earnings Record at a Glance

Years You Worked	Your Taxed Social Security Earnings	Your Taxed Medicare Earnings
1993	\$ 3,409	\$ 3,409
1994	7,027	7,027
1995	9,941	9,941
1996	13,207	13,207
1997	5,757	5,757
1998	13,483	13,483
1999	9,060	9,060
2000	868	868
2001	17,712	17,712
2002	6,495	6,495
2003	15,974	15,974
2004	8,526	8,526

Did you know... Social Security is more than just a retirement program? It's here to help you when you need it most.

You and your family may be eligible for valuable benefits:

▼ When you die, your family may be eligible to receive survivors benefits.

▼ Social Security may help you if you become disabled—even at a young age.

▼ It is possible for a young person who has worked and paid Social Security taxes in as few as two years to become eligible for disability benefits.

Social Security credits you earn move with you from job to job throughout your career.

Total Social Security and Medicare taxes paid over your working career through the last year reported on the chart above:

Estimated taxes paid for Social Security:

Estimated taxes paid for Medicare:

You paid: \$6,903

You paid: \$1,610

Your employers paid: \$6,903

Your employers paid: \$1,610

Note: You currently pay 6.2 percent of your salary, up to \$90,000, in Social Security taxes and 1.45 percent in Medicare taxes on your entire salary. Your employer also pays 6.2 percent in Social Security taxes and 1.45 percent in Medicare taxes for you. If you are self-employed, you pay the combined employee and employer amount of 12.4 percent in Social Security taxes and 2.9 percent in Medicare taxes on your net earnings.



Your Social Security Statement

Prepared especially for Tatyana Chayka

June 9, 2006

FF F 0053

000047735 01 AT 0308

TATYANA CHAYKA

2015 E 7TH ST APT B 5

BROOKLYN NY 11223-3159

See inside for your personal information →

What's inside ...

- ▼ Your Estimated Benefits 2
- ▼ Your Earnings Record 3
- ▼ Some Facts About Social Security 4
- ▼ If You Need More Information 4
- ▼ To Request This *Statement* In Spanish 4

(Para Solicitar Una Declaración en Español)

What Social Security Means to You

This *Social Security Statement* will help you understand what Social Security means to you and your family. This *Statement* can help you better plan for your financial future. It gives you estimates of your Social Security benefits under current law. Each year, we will send you an updated *Statement* including your latest reported earnings.

Be sure to read this *Statement* carefully. If you think there may be a mistake, please let us know. That's important because your benefits will be based on our record of your lifetime earnings. We recommend you keep a copy of this *Statement* with your financial records.

Social Security is for people of all ages ...

It can help you whether you're young or old, male or female, single or with a family. It's there for you when you retire, but it's more than a retirement program. Social Security also can provide benefits if you become disabled and help support your family when you die.

Work to build a secure future...

~~Social Security is the largest source of income for most elderly Americans today. It is very important to remember that Social Security was never intended to be your only source of income when you retire. Social Security can't do it all. You also will need other savings, investments, pensions or retirement accounts to make sure you have enough money to live comfortably when you retire.~~

About Social Security's future...

Social Security is a compact between generations. For more than 60 years, America has kept the promise of security for its workers and their families. But now, the Social Security system is facing serious future financial problems, and action is needed soon to make sure that the system is sound when today's younger workers are ready for retirement.

Today there are almost 36 million Americans age 65 or older. Their Social Security retirement benefits are funded by today's workers and their employers who jointly pay Social Security taxes — just as the money they paid into Social Security was used to pay benefits to those who retired before them. Unless action is taken soon to strengthen Social Security, in just 11 years we will begin paying more in benefits than we collect in taxes. Without changes, by 2040 the Social Security Trust Fund will be exhausted.* By then, the number of Americans 65 or older is expected to have doubled. There won't be enough younger people working to pay all of the benefits owed to those who are retiring. At that point, there will be enough money to pay only about 74 cents for each dollar of scheduled benefits. We will need to resolve these issues soon to make sure Social Security continues to provide a foundation of protection for future generations as it has done in the past.

Social Security On The Net...

Visit www.socialsecurity.gov on the Internet to learn more about Social Security. You can read our publications, use the *Social Security Benefit Calculators* to calculate future benefits, apply for retirement, spouse's or disability benefits, or subscribe to *eNews* for up-to-date information about Social Security.

James Bannan

Jo Anne B. Barnhart
Commissioner

* These estimates of the future financial status of the Social Security program were produced by the actuaries at the Social Security Administration based on the intermediate assumptions from the Social Security Trustees' Annual Report to the Congress.

Help Us Keep Your Earnings Record Accurate

You, your employer and Social Security share responsibility for the accuracy of your earnings record. Since you began working, we recorded your reported earnings under your name and Social Security number. We have updated your record each time your employer (or you, if you're self-employed) reported your earnings.

Remember, it's your earnings, not the amount of taxes you paid or the number of credits you've earned, that determine your benefit amount. When we figure that amount, we base it on your average earnings over your lifetime. If our records are wrong, you may not receive all the benefits to which you are entitled.

▼ **Review this chart carefully** using your own records to make sure our information is correct and that we've recorded each year you worked. You're the only person who can look at the earnings chart and know whether it is complete and correct.

Some or all of your earnings from **last year** may not be shown on your *Statement*. It could be that we still were processing last year's earnings reports

when your *Statement* was prepared. Your complete earnings for last year will be shown on next year's *Statement*. **Note:** If you worked for more than one employer during any year, or if you had both earnings and self-employment income, we combined your earnings for the year.

▼ **There's a limit on the amount of earnings on which you pay Social Security taxes each year.** The limit increases yearly. Earnings above the limit will not appear on your earnings chart as Social Security earnings. (For Medicare taxes, the maximum earnings amount began rising in 1991. Since 1994, all of your earnings are taxed for Medicare.)

▼ **Call us right away at 1-800-772-1213** (7 a.m.–7 p.m. your local time) if any earnings for years **before last year** are shown incorrectly. If possible, have your W-2 or tax return for those years available. (If you live outside the U.S., follow the directions at the bottom of Page 4.)

Your Earnings Record at a Glance

Years You Worked	Your Taxed Social Security Earnings	Your Taxed Medicare Earnings
2004	\$ 7,167	\$ 7,167
2005	30,439	30,439

Did you know... Social Security is more than just a retirement program? It's here to help you when you need it most.

You and your family may be eligible for valuable benefits:

▼ When you die, your family may be eligible to receive survivors benefits.

▼ Social Security may help you if you become disabled—even at a young age.

▼ It is possible for a young person who has worked and paid Social Security taxes in as few as two years to become eligible for disability benefits.

Social Security credits you earn move with you from job to job throughout your career.

Total Social Security and Medicare taxes paid over your working career through the last year reported on the chart above:
Estimated taxes paid for Social Security: Estimated taxes paid for Medicare:

You paid: \$2,331 You paid: \$544

Your employers paid: \$2,331 Your employers paid: \$544

Note: You currently pay 6.2 percent of your salary, up to \$94,200, in Social Security taxes and 1.45 percent in Medicare taxes on your entire salary. Your employer also pays 6.2 percent in Social Security taxes and 1.45 percent in Medicare taxes for you. If you are self-employed, you pay the combined employee and employer amount of 12.4 percent in Social Security taxes and 2.9 percent in Medicare taxes on your net earnings.

Citibank Service Center
100 Citibank Drive
San Antonio, TX 78245-3214



June 27, 2006

To: United States Department of Immigration & Naturalizations Services

**RE: TATYANA CHAYKA
NIKOLAY ZHOVTONIZHKO
2015 E 7 ST. APT. B5
BROOKLYN NY 11223-3167**

Dear Sir/Madam,

This letter is to certify that the individual referred to above maintains the following account(s) with Citibank.

Account#	Current Balance	Date Opened	Account Type
32697543	547.45	01/08/99	Checking
58483914	1,520.04	12/29/99	Money Market

Regards,

A handwritten signature in black ink, appearing to read "Stefanie Cardenas", written in a cursive style.

Stefanie Cardenas
Manager, Financial Center Services

Citibank

The Citibank Service Center provides customer account services for Citibank, N.A., Citibank Texas, N.A., Citibank (West), FSB, and Citibank, F.S.B.

Citibank Service Center
100 Citibank Drive
San Antonio, TX 78245-3214



June 27, 2006

TATYANA CHAYKA
NIKOLAY ZHOVTONIZHKO
2015 E 7 ST. APT. B5
BROOKLYN NY 11223-3167

Re: Information you requested

Dear Citibank Customer:

Enclosed is the information you requested about United States Department of Immigration & Naturalizations Services.

Please note, the format of the letter was designed jointly by the U.S. Department of Immigration and Citibank.

If you have any questions, please call CitiPhone Customer Service at 1-800-627-3999. In the Puerto Rico area, please call 1-866-583-2357. Hearing or speech impaired customers may call our text telephone service at 1-800-945-0258 (TDD). Representatives are available to assist you 24 hours a day, 7 days a week. You may also access your account information online at www.citibankonline.com.

Thank you for banking with Citibank. We appreciate the opportunity to serve you.

Customer Service

U.S. Service Center 000
PO Box 769013
San Antonio, TX 78245-9013

184805/R1/20F000

003
CITIBANK, N. A.
Account
32697543

TATYANA CHAYKA
NIKOLAY ZHOVTONIZHKO
2015 E 7 ST. APT. B5
BROOKLYN NY

11223-3167

Statement Period
Mar. 7 - Apr. 6, 2006

Page 1 of 6

CITIBANK® EZ CHECKING AS OF APRIL 6, 2006**CITIBANK® EZ CHECKING SUMMARY:**

Checking	\$12.27
Savings	\$1,518.77
Investments (not FDIC insured)	----
Loans	----
Credit Cards	----

Get cash at Citibank® ATMs now at 7-ELEVEN® stores. More than 5,500 ATMs for your convenience, and fee-free to Citibank customers. So you can feed you wallet and satisfy your hunger.

Visit www.Citibank.com to find the location nearest you.

Checking	Balance
Regular Checking	\$12.27
Savings	Balance
Preferred Money Market	\$1,518.77
Total Checking and Savings	\$1,531.04

Send free Citibank Global Transfers to Banamex and Citibank Puerto Rico and be close to your loved ones. Offer valid from April 1st to June 2nd 2006.

Envíe gratis transferencias Citibank Global Transfers a Banamex y a Citibank Puerto Rico y esté más cerca de sus seres queridos. Oferta válida del 1º de abril al 2 de junio del 2006.

SUGGESTIONS AND RECOMMENDATIONS**Protect Yourself from Fraud**

Awareness is the key to protecting yourself from fraud. Never provide personal information in response to an unsolicited request by mail. Delete suspicious e-mails without opening them. Always be aware of the source of checks that are deposited to your account. Avoid becoming a victim and protect your information and your accounts. If you think you're a victim or have any questions, please call us at 1-800-274-6660. In the NY metro area call 1-800-627-3999.

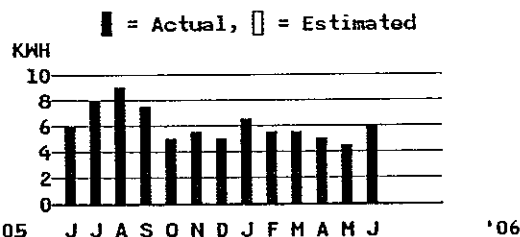
19

Service to: TAYANA CHAYKA
 at: 2015 E 7 ST 5B

ELECTRIC USE - RATE EL1 RESIDENTIAL

06/23/06 reading (Actual)..... 6512
 05/24/06 reading (Actual)..... -6325
 Total KWH used in 30 days..... 187

AVERAGE DAILY ELECTRIC USE



CHARGES FOR ELECTRICITY USED

Basic service charge: \$11.36
 (does not include usage)

	KWH	COST/KWH	
First	187.0	@ 20.1176¢	37.62
Adjust. Factor	@	.4492¢	.84
Sales tax	@	4.0000%	1.99

BILLING SUMMARY AS OF 06/26/06

Amount due last bill... \$35.10
 Payments through 06/22 \$35.10CR
 Balance remaining..... NONE

CURRENT ELEC CHARGES... \$51.81

CURRENT ELECTRIC CHARGES \$51.81

TOTAL AMOUNT NOW DUE... \$51.81

This bill includes an electric supply cost of 13.7¢ per KWH.
 Go to a new supplier to reduce charges by 1.5¢ per 10 KWHRS and lower taxes.

IMPORTANT MESSAGES

Your bill includes a charge of \$0.26 to fund NYS renewable energy, environmental, and other energy-related public policy programs.

To avoid a 1.5% monthly late payment charge, pay the Total Amount Due of \$51.81 by JUL 18, 2006.

YOUR DOLLAR FOR ENERGYSHARE CAN MAKE A DIFFERENCE

If you pay the total amount of this bill and exactly \$1.00 more, that dollar will go into the EnergyShare fund sponsored by Con Edison. And, Con Edison matches each contribution. EnergyShare helps eligible residential customers who are struggling to pay their bills with one-time grants of up to \$200.

To join our Direct Payment Plan, just place an 'X' in the () Check to Enroll in DPP area displayed above when you mail back your payment by check. We'll use your banking information to enroll you in the Plan. Then each month, after you've had time to review your bill, we will automatically deduct your Con Edison bill payment from your checking account. Join Now.



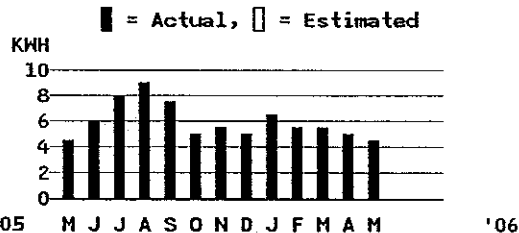
Keep this part for your records. See reverse side for additional information.

www.coned.com

60

Service to: TAYANA CHAYKA
at: 2015 E 7 ST 5B**ELECTRIC USE - RATE EL1 RESIDENTIAL****AVERAGE DAILY ELECTRIC USE**

05/24/06 reading (Actual)..... 6325
 04/25/06 reading (Actual)..... -6192
 Total KWH used in 29 days..... 133

**CHARGES FOR ELECTRICITY USED**

Basic service charge: \$11.05
 (does not include usage)

	<u>KWH</u>	<u>COST/KWH</u>	
First	133.0	@ 19.3308¢	25.71
Adjust. Factor @		-2.2632¢	3.01CR
Sales tax @	4.0000%		<u>1.35</u>

BILLING SUMMARY AS OF 05/25/06

Amount due last bill... \$33.81
 Payments through 05/23 \$33.81CR
 Balance remaining..... NONE

CURRENT ELEC CHARGES... \$35.10

CURRENT ELECTRIC CHARGES \$35.10

TOTAL AMOUNT NOW DUE... \$35.10

This bill includes an electric supply cost of 9.6¢ per KWH.
 Go to a new supplier to reduce charges by 1.5¢ per 10 KWHRS and lower taxes.

IMPORTANT MESSAGES

Your bill includes a charge of \$0.19 to fund NYS renewable energy, environmental, and other energy-related public policy programs.

To avoid a 1.5% monthly late payment charge, pay the Total Amount Due of \$35.10 by JUN 19, 2006.

YOUR DOLLAR FOR ENERGYSHARE CAN MAKE A DIFFERENCE

If you pay the total amount of this bill and exactly \$1.00 more, that dollar will go into the EnergyShare fund sponsored by Con Edison. And, Con Edison matches each contribution. EnergyShare helps eligible residential customers who are struggling to pay their bills with one-time grants of up to \$200.

To join our Direct Payment Plan, just place an 'X' in the () Check to Enroll in DPP area displayed above when you mail back your payment by check. We'll use your banking information to enroll you in the Plan. Then each month, after you've had time to review your bill, we will automatically deduct your Con Edison bill payment from your checking account. Join Now.



Keep this part for your records. See reverse side for additional information.

www.coned.com

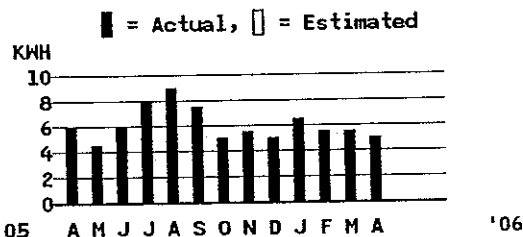
17

Service to: TAYANA CHAYKA
at: 2015 E 7 ST 5B

ELECTRIC USE - RATE EL1 RESIDENTIAL

04/25/06 reading (Actual)..... 6192
03/28/06 reading (Actual)..... -6055
Total KWH used in 28 days..... 137

AVERAGE DAILY ELECTRIC USE



CHARGES FOR ELECTRICITY USED

Basic service charge: \$10.65
(does not include usage)
KWH COST/KWH
First 137.0 @ 19.4672¢ 26.67
Adjust. Factor @ -3.5109¢ 4.81CR
Sales tax @ 4.0000% 1.30

BILLING SUMMARY AS OF 04/27/06

Amount due last bill... \$38.49
Payments through 04/25 \$38.49CR
Balance remaining..... NONE

CURRENT ELEC CHARGES... \$33.81

CURRENT ELECTRIC CHARGES \$33.81

TOTAL AMOUNT NOW DUE... \$33.81

This bill includes an electric supply cost of 8.4¢ per KWH.
Go to a new supplier to reduce charges by 1.5¢ per 10 KWHRS and lower taxes.

IMPORTANT MESSAGES

Your bill includes a charge of \$0.19 to fund NYS renewable energy, environmental, and other energy-related public policy programs.

To avoid a 1.5% monthly late payment charge, pay the Total Amount Due of \$33.81 by MAY 22, 2006.

YOUR DOLLAR FOR ENERGYSHARE CAN MAKE A DIFFERENCE

If you pay the total amount of this bill and exactly \$1.00 more, that dollar will go into the EnergyShare fund sponsored by Con Edison. And, Con Edison matches each contribution. EnergyShare helps eligible residential customers who are struggling to pay their bills with one-time grants of up to \$200.

To join our Direct Payment Plan, just place an 'X' in the () Check to Enroll in DPP area displayed above when you mail back your payment by check. We'll use your banking information to enroll you in the Plan. Then each month, after you've had time to review your bill, we will automatically deduct your Con Edison bill payment from your checking account. Join Now.



Keep this part for your records. See reverse side for additional information.

www.coned.com

CURRENT BILL ITEMIZED

In 62 days you used 2 therms:

Jul 03 2006 reading ACTUAL 0785
 May 02 2006 reading ACTUAL 0783
 CCF Used for METER# 001035851 2

Thermal Factor $\times 1.0344$
 Total therms used 2

Your Cost is determined as follows:

Minimum Charge \$23.04
 (First 2.0 therms or less)

GAS DELIVERY CHARGE \$23.04

GAS SUPPLY CHARGE 1.60
 @ \$.80140 /therm

MTA Surcharge .04
 4.0000 % Sales Tax .99

TOTAL CURRENT CHARGES \$25.67

SUMMARY OF CHARGES

Total Current Charges \$25.67
 Amount Due Last Bill 25.54
 Your Total Payments Since Last Bill. Thank You! -25.54

Please Pay Upon Receipt \$25.67

IMPORTANT MESSAGES

Your unique online Access Code is: 8DB141C

We're online, anytime! View and pay your bill, check your balance, submit meter readings. The code above provides free, instant access. Go to www.keyspanenergy.com, click "My Account" then "Register Now."
 Many automated services are also available at the telephone number above.

You would receive a credit of 2.1 cents per therm if you were to buy your gas SUPPLY from an ESCO.

Nothing beats the reliability of natural gas. It's always there when you need it. Over 90% of our supply is produced right here in North America. It's the clean, efficient, and safe choice for cooking, heating and many other uses.

We sincerely appreciate the prompt way you pay your bills.

CURRENT BILL ITEMIZED

In 61 days you used 2 therms:

May 02 2006 reading ACTUAL 0783
 Mar 02 2006 reading ACTUAL 0781
 CCF Used for METER# 001035851 2

Thermal Factor x1.0328
 Total therms used 2

Your Cost is determined as follows:

Minimum Charge \$22.67
 (First 2.0 therms or less)

GAS DELIVERY CHARGE \$22.67

GAS SUPPLY CHARGE
 @ \$.92400 /therm 1.85

MTA Surcharge .04
 4.0000 % Sales Tax .98

TOTAL CURRENT CHARGES \$25.54

SUMMARY OF CHARGES

Total Current Charges \$25.54
 Amount Due Last Bill 24.66
 Your Total Payments Since
 Last Bill. Thank You! -24.66

Please Pay Upon Receipt \$25.54

IMPORTANT MESSAGES

Your unique online Access Code is: 8DB141C

We're online, anytime! View and pay your bill, check your balance, submit meter readings. The code above provides free, instant access. Go to www.keyspanenergy.com, click "My Account" then "Register Now." Many automated services are also available at the telephone number above.

You would receive a credit of 2.1 cents per therm if you were to buy your gas SUPPLY from an ESCO.

Additional Home Energy Assistance Program (HEAP) funding is now available!

Low-income customers struggling to pay energy costs may be able to get help - even if you already received a HEAP grant and are facing heating service disconnection. Visit any of our customer service centers to apply.

KeySpan has announced that it will become part of National Grid, one of the world's leading energy delivery companies. KeySpan and its employees will continue to serve you as a stronger, more efficient company. Our commitment to safe and reliable service will remain our first priority.

We sincerely appreciate the prompt way you pay your bills.

Page 1 of 1

KEYSPAN
 Energy Delivery

www.keyspanenergy.com

See back for definitions of terms
 used in this bill and more information.

Service To
TATYANA CHAYKA
2015 EAST 7 ST
BROOKLYN, NY
11223

Account Number
23329-17852

Next Meter Reading
May 02

Bill Date
Mar 02 '06

Rate **1A**
Res. Non-Heat

For Customer Assistance
Please call (718) 643-4050

CURRENT BILL ITEMIZED

In 58 days you used 2 therms:

Mar 02 2006 reading ACTUAL 0781
Jan 03 2006 reading ACTUAL 0779
CCF Used for METER# 001035851 2

Thermal Factor x1.0349
Total therms used 2

Your Cost is determined as follows:

Minimum Charge \$21.55
(First 2.0 therms or less)

GAS DELIVERY CHARGE \$21.55

GAS SUPPLY CHARGE
@ \$1.07060 /therm 2.14

MTA Surcharge .02
4.0000 % Sales Tax .95

TOTAL CURRENT CHARGES \$24.66

SUMMARY OF CHARGES

Total Current Charges \$24.66
Amount Due Last Bill 27.08
Your Total Payments Since
Last Bill. Thank You! -27.08

Please Pay Upon Receipt \$24.66

IMPORTANT MESSAGES

Your unique online Access Code is: 8DB141C

We're online, anytime! View and pay your bill, check your balance, submit meter readings. The code above provides free, instant access. Go to www.keyspanenergy.com, click "My Account" then "Register Now." Many automated services are also available at the telephone number above.

You would receive a credit of 2.1 cents per therm if you were to buy your gas SUPPLY from an ESCO.

Your bill may be higher than normal due to high gas supply prices. A competitive market affects the price we pay for gas supply, which we pass along with no added charges. With the cost of supply expected to remain higher than last year, we urge you to put your energy into saving energy. There are many low or no cost energy saving tips that can lower your bills. Go to www.keyspanenergy.com or www.energysavers.gov for hundreds of tips.

If you pay heating costs directly or in your rent and need financial assistance, HEAP can help. Call (800) 692-0557 while money is available from the Home Energy Assistance Program (HEAP) for low-income households.

We sincerely appreciate the prompt way you pay your bills.

Page 1 of 1

KEYSPAN
Energy Delivery

www.keyspanenergy.com

See back for definitions of terms
used in this bill and more information.

Service To **Case 1:08-cv-02492-LAK**
TATYANA CHAYKA
2015 EAST 7 ST
BROOKLYN, NY
11223

Account Number
23329-17852

Next Meter Reading
Mar 02 '06

Bill Date
Jan 03 '06

Rate **1A**
Res. Non-Heat

For Customer Assistance
Please call (718) 643-4050

CURRENT BILL ITEMIZED

In 63 days you used 2 therms:

Jan 03 2006 reading ACTUAL 0779
Nov 01 2005 reading ACTUAL 0777
CCF Used for METER# 001035851 2

Thermal Factor x1.0389
Total therms used 2

Your Cost is determined as follows:

Minimum Charge \$23.41
(First 2.0 therms or less)

GAS DELIVERY CHARGE \$23.41

GAS SUPPLY CHARGE @ \$1.30360 /therm 2.61

MTA Surcharge .02
4.0000 % Sales Tax 1.04

TOTAL CURRENT CHARGES \$27.08

SUMMARY OF CHARGES

Total Current Charges \$27.08
Amount Due Last Bill 28.46
Your Total Payments Since
Last Bill. Thank You! -28.46

Please Pay Upon Receipt \$27.08

IMPORTANT MESSAGES

Your unique online Access Code is: 8DB141C

We're online, anytime! View and pay your bill, check your balance, submit meter readings. The code above provides free, instant access. Go to www.keyspanenergy.com, click "My Account" then "Register Now." Many automated services are also available at the telephone number above.

You would receive a credit of 2.1 cents per therm if you were to buy your gas SUPPLY from an ESCO.

Your bill may be higher than normal due to high gas supply prices. A competitive market affects the price we pay for gas supply, which we pass along with no added charges. With the cost of supply expected to remain higher than last year, we urge you to put your energy into saving energy. There are many low or no cost energy saving tips that can lower your bills. Go to www.keyspanenergy.com or www.energysavers.gov for hundreds of tips.

If you pay heating costs directly or in your rent and need financial assistance, HEAP can help. Call (800) 692-0557 while money is available from the Home Energy Assistance Program (HEAP) for low-income households.

We sincerely appreciate the prompt way you pay your bills.

Page 1 of 1

KEYSPAN
Energy Delivery

www.keyspanenergy.com

See back for definitions of terms
used in this bill and more information.

CAREMARK
It all starts with care



For Home Care
Employees
Hospital & Health
Services I.D.

www.1199nbf.org
Generic and Maintenance Plans

Copay \$0
Expires: 06/30/05

H7532

RXBIN: 610415
RXPCN: PCS
RXGRP: T388199H
ISSUER (80840)
ID: 097906333
NAME: 01TATYANA CHAYKA
02NIKOLAY ZHOVTONIZHK0

medco
www.medco.com

Co Pay \$0



www.1199nbf.org
For Home Care Employees
Hospital & Health Service I.D.
Generic and 90 Day
Maintenance Plan

RxBin: 610014

RxGrp: 1199RX
Issuer:
ID No.: 097906333
Name: TATYANA CHAYKA
01 TATYANA 02 NIKOLAY

330 West 42nd Street, NY,NY 10036-6977



Procedure	Type of Service	Dates of Service	Total Charge	Allowed Amt	Expl Code	Total Amount
92005	VISION EXAM + GLASSES	05/02/2005-05/02/2005	75.00	75.00		75.00
						\$75.00

Code	Explanation of Code



For Home Care Employees

330 West 42nd Street, NY NY 10018 277

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

NIKOLAY ZHOVTOVIZHKO

2015 E 7TH ST APT B2

NY 1553-3129

BROOKLYN

Account Number: 008705043531

Claim Number: 145326051 **Date of EOB:** 07/26/2005

Check Number: 00650098 **Benefit Plan:** MEDICAL

Provider:

SPINDLER, HARLAN, DPM

Member Information

Member: TATYANA CHAYKA

SSN: 097-90-6333

Employer: 050535

Patient: NIKOLAY ZHOVTONIZHKO

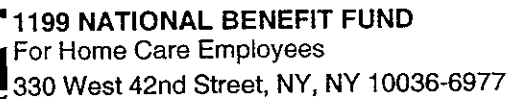
Relationship: SPOUSE

****THIS IS NOT A BILL****

EXPLANATION OF BENEFITS

*****ESTO NO ES UNA FACTURA*****

Procedure	Type of Service	Dates of Service	Total Charge	Allowed Amt	Expl Code	Total Amount
99203	PODIATRY	05/20/2005-05/20/2005	125.00	107.00		107.00
73650	DIAG. X-RAY GLOBAL	05/20/2005-05/20/2005	200.00	70.00		70.00
						\$177.00



BROOKLYN NY 11253-3129
5015 E 7TH ST APT B2
NIKOLAY ZHOVTONISHKO

ALEXANDER TARNARIDER, OD

Member: TATYANA CHAYKA
SSN: 097-90-6333
Patient: NIKOLAY ZHOVTONIZHKO

Employer: 050535
Relationship: SPOUSE

*****THIS IS NOT A BILL*****

EXPLANATION OF BENEFITS

****ESTO NO ES UNA FACTURA****

[illegible]

At the Matrimonial/LAS Part 102
 of New York State Supreme Court at
 the Courthouse, NY
 County, on APR 10 2000

Present:
 Hon.

LOUIS CRESPO
Justice/Referee
SPECIAL REFEREE -X

TATYANA CHAYKA

Plaintiff,

Index No.: 303885/00
 Calendar No.:

-against-

JUDGMENT OF DIVORCE

NIKOLAY CHAYKA

Defendant.

-----X
 This action was submitted to *this court* for consideration this date (on inquest of APR 10 2000).

The Defendant was served *personally* within the State of New York.

Plaintiff presented a verified complaint.

The Defendant has *appeared and waived his right to answer*.

The Court accepted *written* proof of non-military service.

The Plaintiff's address is 2015 E 7 St., #B5, Brooklyn, NY 11223, and social security number is none. The Defendant's address is 2016 Ave. N, #3D, Brooklyn, NY 11210, and social security number is none.

Now on motion of Earl S. David, Esq., the *attorney for* Plaintiff, it is:

ORDERED AND ADJUDGED that the Referee's Report, if any, is confirmed, and it is further

ORDERED AND ADJUDGED that *Plaintiff* shall have a judgment dissolving the marriage on the evidence found in the Findings of Fact and Conclusions of Law based upon DRL §170 subd. 2, and it is further

ORDERED AND ADJUDGED that either party may resume the use of a pre-marriage name as follows Ivanova, the Plaintiff.

Dated: APR 10 2000

ENTER:
LOUIS CRESPO
SPECIAL REFEREE
Norman Goodman
 CLERK

FILED

APR 24 2000
 COUNTY CLERK'S OFFICE
 NEW YORK

Case 1:08-cv-02192-LAK Document 1-8 Filed 03/12/2008 Page 29 of 30

Ven	PS	P/R	Emp No	Soc Sec Num	Name	City Res	Federal+State	Direct	Payroll Period	R4	Pay Date						
535	04	809	081556	097-90-6333	CHAYKA, TATYANA	0 ex Married	Dep		05-27-06:06-09-06		06-16-06						
			Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	Cli No	Client name	Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD
Weekdays			600	990	6480				082414	KLIMENKO, VERA	06-02-06	600		4	UnionDues		11931
Weekends			480	1115	4200				082414	KLIMENKO, VERA	06-09-06	600		5	PAF Mthly		3000
Vacation																	
Sick																	
Holiday			120	990	480												
Training																	
Tot Paid			1200		12080												
+OT Day			120	495													

703 #535

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

703

P/R
809

Emp No
081556

Pay Date
06-16-06

#535

Net Pay

***1,099.59

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

Ven	PS	P/R	Emp No	Soc Sec Num	Name	City Res	Federal+State	Direct	Payroll Period		R4	Pay Date						
535	04	808	081556	097-90-6333	CHAYKA, TATYANA		0 ex Married	Deposit	05-20-06:06-02-06			06-09-06						
			Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	Cli No Client name		Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD	
Weekdays					5880				888881 VACATION, R1		05-12-06	440			UnionDues		11931	
Weekends					3720										PAF Mthly		3000	
Vacation			440	990	440													
Sick					440													
Holiday					360													
Training					40													
Tot Paid			440		10880													
																Rate1		
																4		
Gross			Federal		Soc Sec	MCare	State	NY City								PerDiem		Net Pay
Pay	43560				2700	632		24	VACATION PAYROLL									40204
YTD	1425070		113923		88354	20664	51447	32286								80		

719 #535

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

719

P/R
808

Emp No
081556

Pay Date
06-09-06

#535

Net Pay

****402.04

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
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DETAIL AT PERFORMANCION

Case 1:08-cv-02492-LAK Document 1-3 Filed 03/12/2008 Page 30 of 30

Ven	PS	P/R	Emp No	Sec	Sec	Num	Name	City	Fed	State	Married	Depos	Payrol	Pay Date
535	04	810	081556	097-90-6333	CHAYKA	TYANA			0	ex	Married	Depos	06-10-06	06-23-06

692 #535

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

692

P/R
810

Emp No
081556

Pay Date
06-30-06

#535

Net Pay
*****828.63

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

DETACH AT PERFORATION

Case 1:08-cv-02492-LAK Document 1-4 Filed 03/12/2008 Page 1 of 1																
Ven	PS	P/R	Emp No	Soc Sec Num	Name	City	Federal+State	Direct	Married	Depos	Payroll Period	Pay Date				
535	04	807	081556	097-90-6333	CHAYKA	TYANA	0 ex	Married	Depos		05-13-06:05-26-06	06-02-06				
		Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	i No Client name		Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD
Weekdays		600	990	5880	:	:	:	082414 KLIMENKO, VERA		05-19-06	480	:	4	UnionDues	2400	11931
Weekends		480	1115	3720	:	:	:	082414 KLIMENKO, VERA		05-26-06	600	:	5	PAF Mthly	500	3000
Sick		:	:	440	:	:	:					:				:
Holiday		:	:	360	:	:	:					:				:
Training		:	:	40	:	:	:					:				:
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															Acc Vac Hr	48
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YTD	1381510		113923	85654	20032	51447	32262						80			
															710 #535	

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

710

P/R	Emp No	Pay Date
807	081556	06-02-06

#535

Net Pay
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TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

DETACH AT PERFORATION

Ven	PS/P/R	Emp No	Soc Sec Num	Name	City Res	Federal+State	Direct	Payroll Period	Pay Date						
535	04	806	081556	097-90-6333	CHAYKA, TATYANA	0 ex Married	Deposit	04-29-06:05-12-06	05-19-06						
	Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	Cli No	Client name	Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD
Weekdays	240	990	5280				082414	KLIMENKO, VERA	05-05-06	480			UnionDues		9531
Weekends	240	1115	3240				082414	KLIMENKO, VERA	05-12-06	480		4	PAF Mthly		2500
SickRduc	320	990	440												
Holiday			360												
Training			40												
Tot Paid	800		9360												
							</								

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

712

P/R	Emp No	Pay Date
806	081556	05-19-06

#535

Net Pay
*****717.70

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

755 #535

755

Pay Date
05-11-06

#535

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

704 #535

704

Pay Date
05-05-06

#535

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

P . O J E C T O H R , I n .

80 MAIDEN LANE 10th FL.
NEW YORK, N.Y. 10038
212-497-5053

Date:06/20/06

To: Immigration Service

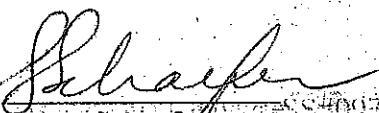
Ms.Tatyana Chayka, SS#097-90-6333 is an employee of Project OHR.

She began her employment with the agency on 09/18/04 to present.

She works in the capacity of a Home Attendant. Her bi-weekly salary week ending
06/09/06 was \$1,459.95

If you need any additional information please feel free to call me at (212) 497-5053.

Sincerely yours,



Susan Schaefer
Personnel Manager

To Whom It May Concern,

I, Nadezhda Sereda, born on September 5, 1973, residing on 38 Bay 26 St,
apt 3 F, Brooklyn NY 11214, working at "Neptune Medical", 2875 W 8th St,
Brooklyn NY 11224, Tel No 1 347 312 2328 – home, 1 646 327 1819 – cell,
1 718 266 3131 – work,
know Tatyana Chayka since March, 1999, and Nikolay Zhovtonizhko since October,
2000. I know they married in autumn 2000 year.

I testify to the fact that I know them as a good family, happy couple, always
living together on E 7 St in Brooklyn. I was several time in their home as a guest and saw
them very friendly, polite and loved each other.

Sincerely,



Nadezhda Sereda

Subscribed and sworn to before me on 07 *Day of* 06/2006,



AARON S. TABI
Notary Public, State of New York
No. 01TA6004259
Qualified in Kings County
Commission Expires 03/23/2010

To Whom It May Concern,

June 14, 2006

I, Elena Zaitseva, born on August 16, 1946, residing at the address of: 227 Brighton 2nd Ln, Brooklyn NY 11235, tel: 1 - 718 - 615 - 9384, affirm the fact that I was the witness at the Tatyana Chayka's and Nikolay Zhovtonizhko's marriage registration at the New York City Hall on November 01, 2000, and signed in Registered Book as a witness. I was happy to present at this ceremony, because I know Tatyana many years, and I was glad when Tatyana and Nikolay loved each other and married. Also I was on their wedding party. It was in their apartment on 2015 E 7 St in Brooklyn, there were their relatives and friends. I have many photos of this event. I visited this family many times and found Tatyana and Nikolay to be loved and happy together. They invited me on their birthdays and anniversaries. I continue to contact with them.

Truly yours,

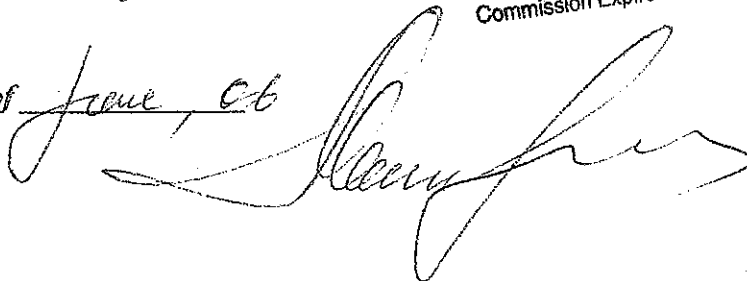


Elena Zaitseva

Subscribed and sworn to before me

On this 14 day of June, 06

FRIDA MATOVSKY
Notary Public State of New York
No. 01MA5074227
Qualified in Kings County
Commission Expires 03/10/2008



To Whom It May Concern,

June 09, 2006

I, Vlad Gusakov, born on July 28, 1940, citizen of USA,
residing from September, 2005 to present time at: 542 Broadway,
apt # 1, Bayonne NJ 107002 (the previous address was: 1170 Brighton
Beach Ave, apt # 3 D, Brooklyn NY 11235), tel: 1-201-779-4561,
know Nikolay Zhovtonizhko and Tatyana Chayka since 2003 year.
They are my friends. I respect them very much for their honesty and
friendliness. I know them as a good family, living together on E 7 St in
Brooklyn. They love and take care of each other.
Sometime we spend time all together.

Truly yours,

Vlad Gusakov



Subscribed and sworn to before me on this 12 day of June, 2006



DONALD D. CAMPBELL
Attorney at Law
State of New Jersey



U.S. Department of Justice
Immigration and Naturalization Service

NAME AND ADDRESS OF APPLICANT/PETITIONER:

Jatiana Chausa

NAME OF BENEFICIARY:

DATE: December 3, 2002

FILE NUMBER: *78522 150*

FORM: I-485

PLEASE SUBMIT THE SPECIFIED INFORMATION:

- ☐ 1. Certified copy of 1999, 2000, and 2001 federal & state income tax returns and W-2 statements. Certified copies may be obtained by requesting printout 1722 from the Internal Revenue Service (IRS). If you did not file income taxes for any of the years requested, you must submit a notarized statement of explanation (i.e. student, unemployed, injury, etc.).
- ☐ 2. Current *original* letter of employment for both petitioner and beneficiary on company letterhead (stating length of employment, present salary, work schedule, company address and phone number emergency contact information, and legible printed name and signature of the individual writing the letter) and paystubs for the past two months.
- ☐ 3. Current *original* bank statement with the date the account was opened, and the average year-to-date account balance in your savings and/or checking account(s).
- ☐ 4. Completed Form I-693 and supplement (immunization record) for beneficiary submitted in a sealed envelope. *The envelope must have the office stamp or the doctor's signature across the sealed portion.*
- ☐ 5. Completed Affidavit of Support (form I-864) from petitioner/joint sponsor with supporting documents (i.e. proof of U.S. Citizenship or legal permanent residence, current job letter, 3 years of taxes, etc.).
- ☐ 6. Joint documents (i.e. utility bills, health, life or car insurance, etc.).
- ☐ 7. Lease for all years of marriage. If you own a home, a deed must be provided. If you live with relatives or friends, a lease or deed in their name(s) must be submitted along with a notarized affidavit indicating your living arrangements, rent obligations, and a telephone number where they can be contacted.
- ☐ 8. *Original* proof of death or legal termination of marriage of _____
- ☐ 9. A foreign document must be accompanied by a translation in English. The translation must be done by a professional translating service: *Translations done by the petitioner or beneficiary will not be accepted.*
- ☐ 10. *Original* official Certificate of Disposition, w/ seal/stamp, for arrest(s) on _____
- ☐ 11. Birth or baptismal certificate of _____
- ☐ 12. *Original* marriage certificate of _____
- ☐ 13. Four (4) color photographs. (See attached form M-378 for photograph specifications.)
- ☒ 14. Completed form I-601 waiver, proof of payment, and statement from beneficiary explaining the incident, if you would do it again; and in detail the extreme hardship that you and the petitioner would endure if you were deported; USC minor children of the beneficiary is of no bearing with regard to the consideration of hardship under an I-601 waiver.
- ☐ 15. _____

cc: *attorney*

Mail to: US INS
26 FEDERAL PLAZA
Sec. 245, 8-800
NY, NY 10278
Baumgardner

You have 30 days from the date of his notice to submit the requested documents. Additional time may be granted (for 8 more weeks) upon request only, and must be made in writing and sent by certified mail. Failure to comply with the request will result in the denial of your application or petition.

Earl S. David

Attorney at Law
Licensed to Practice in N.Y. and N.J.

Brooklyn Office
1953 86th Street 2nd floor
Brooklyn, New York 11214
Phone: (718) 266-8410
Fax: (718) 266-8408

11/08/2002

United States Department of Justice
Immigration and Naturalization Service
75 Lower Welden Street
St. Albans VT 05479

Re: A78522150
Petitioner: Chayka, Tatyana

Attn: DAO Baumgardner

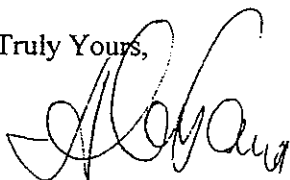
Dear Ms. Baumgardner:

This is in response to your letter dated December 3, 2002 in which you requested our client to fill out and sign I-601. Enclosed please find the form along with requisite fee payment and a copy of Ms. Chayka's original Affidavit explaining the necessity for her former membership in the former Communist Party of the former Soviet Union in which substantial percentage of former Soviet citizens were members including thousands of those who came here in a refugee status for the last twelve years.

As explained by our client in her Affidavit, the original of which had been submitted to you in or about October 2001, membership in the organization of about sixty million members, had been on many occasion a mandatory prerequisite of getting a job in such areas as teaching or law.

Please process this case as promptly as possible.

Very Truly Yours,



Alexander Tarashansky, Esq.

Ven	PS	P/R	Emp No	Soc Sec Num	Nam	City Res	Federal+State	Di. St	Payroll Period				Pay Date			
535	04	813	081556	097-90-6333	CHAYKA, TATYANA		0 ex Married	Deposit	07-08-06:07-21-06				07-28-06			
		Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	Cli No	Client name	Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD
Weekdays		480	990	7800				082414	KLIMENKO, VERA	07-14-06	480		4	Union Dues	2400	16731
Weekends		480	1115	5640				082414	KLIMENKO, VERA	07-21-06	480		4	PAF Mthly		3500
Vacation				440												
Sick				440												
Holiday				600												
Training				40												
Tot Paid		960		14960												

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

689

P/R
813

Emp No
081556

Pay Date
07-28-06

#535

Net Pay

*****866.42

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

Ven	PSP/R	Emp No	Soc Sec Num	Nam.	City Res	Federal+State	Disk	Payroll Period	Pay Date						
535	04814	081556	097-90-6333	CHAYKA, TATYANA		0 ex Married	Deposit	07-22-06:08-04-06	08-11-06						
	Hrs1	Rate1	YTD1	Hrs2	Rate2	YTD2	Cli No	Client name	Ending	Hrs1	Hrs2	PD	Deductions	This Pay	YTD
Weekdays	480	990	8280	:	:	:	082414	KLIMENKO, VERA	07-28-06	600	:	:	5 Union Dues	:	16731
Weekends	480	1115	6120	:	:	:	082414	KLIMENKO, VERA	08-04-06	400	:	:	3 PAF Mthly	500	4000
Vacation	:	:	440	:	:	:	:	:	:	:	:	:	:	:	:
Sick	:	:	440	:	:	:	:	:	:	:	:	:	:	:	:
Holiday	:	:	600	:	:	:	:	:	:	:	:	:	:	:	:
Training	40	990	80	:	:	:	:	:	:	:	:	:	:	:	:
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PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

686

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814

Emp No
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Pay Date
08-11-06

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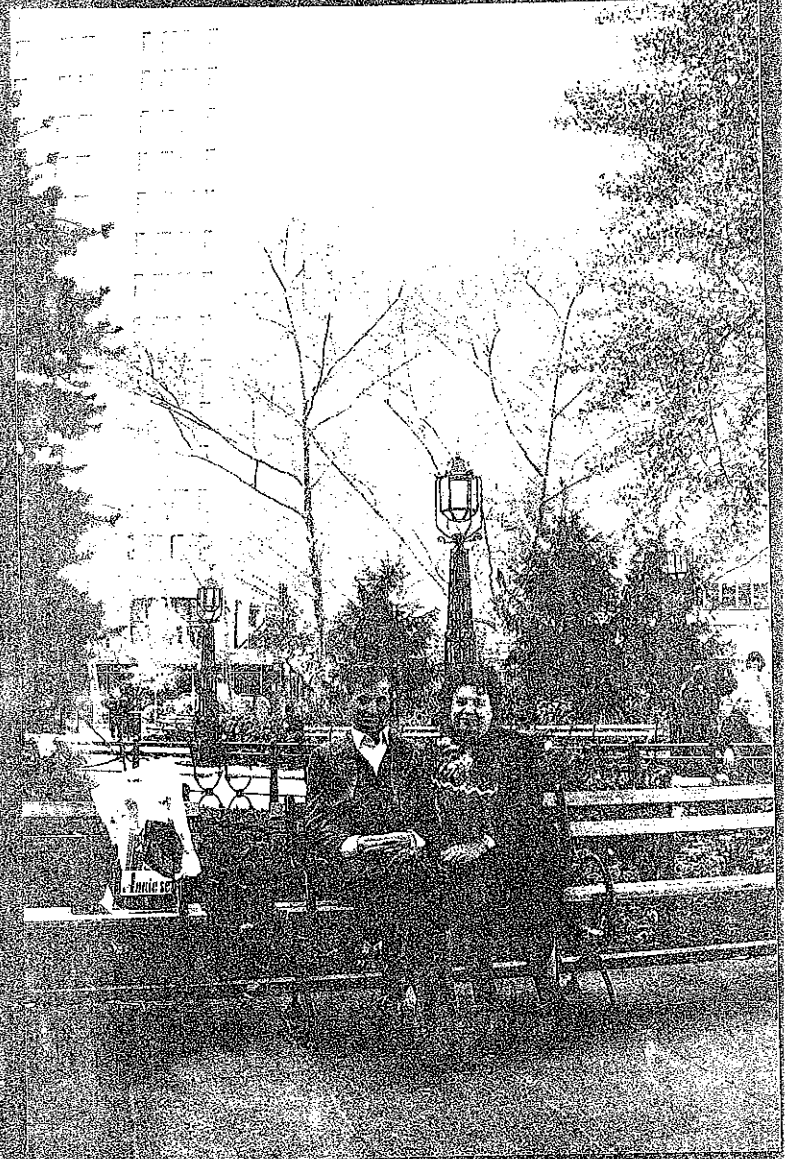
Net Pay

*****911.87

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

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Weekends	480	1115	5640				082414	KLIMENKO, VERA	07-21-06	480			4 PAF Mthly		3500
Vacation			440												
Sick			440												
Holiday			600												
Training			40												
Tot Paid	960		14960												

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NEW YORK, NY 10038

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Emp No
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Net Pay
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TATYANA CHAYKA
APT # B-5
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BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

686 #535

686

Pay Date
08-11-06

#535

Net Pay
*****911.87

Direct Deposit Receipt
This is NOT a check

Case No: 02-12-2-12															
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690 #535

PROJECT OHR INC
80 MAIDEN LANE
NEW YORK, NY 10038

690

P/R

812

Emp No

081556

Pay Date

07-14-06

#535

Net Pay

***1,004.17

TATYANA CHAYKA
APT # B-5
2015 EAST 7TH STREET
BROOKLYN, NY 11223

Direct Deposit Receipt
This is NOT a check

P R O J E C T O H R , I n c .

80 MAIDEN LANE 10th FL.
NEW YORK, N.Y. 10038
212-497-5053

Date:06/20/06

To: Immigration Service

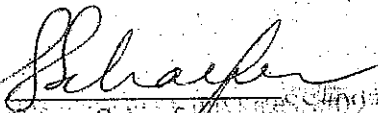
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She began her employment with the agency on 09/18/04 to present.

She works in the capacity of a Home Attendant. Her bi-weekly salary week ending
06/09/06 was \$1,459.95

If you need any additional information please feel free to call me at (212) 497-5053.

Sincerely yours,



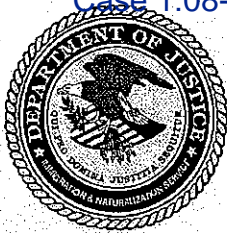
Susan Schaefer
Personnel Manager

Annual Apartment Registration - 2003

1. Building Registration ID Number: 334217 2. Tenant(s) in occupancy on April 1, 2003: <input type="checkbox"/> VACANT CHAYIKA, TATIANA ZHOUMONIZ, A 3. Street: 2015 EAST 7TH STREET 4. Apt.: A4 5. City, Town, Village: BROOKLYN, NY 11223 6. Zip Code: 11223		8. Legal Regulated Rent on 04/01/2003: 715.50 PER <input checked="" type="checkbox"/> Month <input type="checkbox"/> Week 9a. Actual Rent Paid on 04/01/2003 if different from Legal Regulated Rent: PER <input type="checkbox"/> Month <input type="checkbox"/> Week 9b. Reason for difference: <input type="checkbox"/> St. Citizen <input type="checkbox"/> DHCR Rent <input type="checkbox"/> Section 8 (SCRE) <input type="checkbox"/> Reduction Order <input type="checkbox"/> Preferential Rent <input type="checkbox"/> Other:		10. Lease in effect on 04/01/2003: <input type="checkbox"/> None BEGAN: 07/01/2002 EXPIRES: 06/30/2004 11. Rent has changed since 2002 due to: (check all that apply) <input type="checkbox"/> Second Succession <input checked="" type="checkbox"/> Lease Renewal <input type="checkbox"/> Vacancy Lease <input type="checkbox"/> 421-A 2.2 % 12. Rent changes since 2002 Registration due to DHCR Rent Adjustment Order(s) (check all that apply) <input type="checkbox"/> Major Capital Improvement <input type="checkbox"/> Fair Market Rent Appeal <input type="checkbox"/> Hardship <input type="checkbox"/> Rent Overcharge	
7a. If this apartment is TEMPORARILY exempt, indicate the reason below: <input type="checkbox"/> Transient Occupancy in Hotel / SRO <input type="checkbox"/> Owner Occupied/Employee <input type="checkbox"/> Other <input type="checkbox"/> Commercial/Professional (no c/o) <input type="checkbox"/> Not Prime Residence / Not for Profit		7b. If this apartment became PERMANENTLY exempt since 2002 Registration, indicate effective date and reason: <input type="checkbox"/> High Rent Vacancy - indicate Last Legal Regulated Rent \$ _____ PER <input type="checkbox"/> Month <input type="checkbox"/> Week <input type="checkbox"/> High Rent/High Income (DHCR has issued a final order exempting the apartment) <input type="checkbox"/> Commercial/Professional (with c/o) <input type="checkbox"/> Co-op/Condo Occupied by Owner or Non-Protected Tenant <input type="checkbox"/> Substantial Bldg. Rehab. <input type="checkbox"/> Other Qualifying expiration of: <input type="checkbox"/> Sec. 11-243 (J-51) <input type="checkbox"/> Sec. 608 <input type="checkbox"/> Sec. 421-A or 11-244			
13. Rent changes since 2002 Registration instituted WITHOUT a DHCR order (specify as many as apply) Effective Monthly Mo./Yr. Rent Increase Stove Refrigerator Dishwasher A/C Windows Other Other Description \$ _____ \$ _____ \$ _____ \$ _____		14. (select one) <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Managing Agent <input type="checkbox"/> Co-op/Condo Owner MERIDIAN PROPERTIES, LTD. P.O. BOX 411 BROOKLYN, NY 11209			
Tenant: This form shows information provided by your building owner for the amount of rent you paid on April 1, 2003. Check that the rent you paid on April 1, 2003 matches either the Legal Regulated the Actual Rent Paid (item 9a). Note: If you have a Section 8 rent certificate, the amount you paid is on your certificate. Certain changes in rent that are not the result of a lease renewal are allowed by Rent Stabilization and ETPA regulations. These changes are shown in items 12 and 13. Information about these changes is provided below. Information About Changes in the Legal Regulated Rent: The owner is entitled to increase the rent when a tenant renews a lease or when a new tenant enters into a lease upon moving into an apartment (shown in item 11). Tenant may select a 1 or 2 year renewal or vacancy lease. The percentage of maximum permissible increases are established by the Rent Guidelines Board for the County in which the building is located. For vacancy leases starting on or after June 15, 1997, in addition to any vacancy allowances authorized by the Rent Regulation Reform Act of 1997, collect the vacancy increases provided for by the Rent Regulation Reform Act of 1997. In addition to Guideline Increases, and the vacancy increases authorized by the Rent Guidelines Board and the Rent Regulation Reform Act of 1997, the Legal Rent may change (increase or decrease) as a result of building wide rent adjustments authorized by DHCR, as shown in item 12, or because of individual apartment improvements, new equipment, furnishings or services, as shown in item 13. If you are paying the Legal Regulated Rent (item 8) and you believe that the amount is not correct, you should immediately discuss this information with the building owner. If it cannot be resolved with the owner, you may file an overcharge complaint with the Division of Housing and Community Renewal (DHCR). RR2A(PC2003)		For Additional Information About Registration: DHCR has a Registration Infoline to answer tenant questions concerning rent registration, and provides information and complaint resolution services for all tenant protection laws. For assistance call DHCR's Registration Infoline at: (718) 739-6400 Window Guards Save Lives: If you have a child (or children) 10 years-of-age or younger, New York City law requires the owner of your building to install window guards in your apartment and in public areas of the building. The cost of these window guards may be passed along to tenants, however, no more than \$10 per window guard may be charged separate from your rent. Families that receive Public Assistance or have Section 8 rent subsidy certificates do not have to pay for the installation of window guards directly. Si usted cree que la cantidad de su renta es incorrecta o ha sido computada incorrectamente, vea las instrucciones provistas mas abajo para llenar una queja de sobrecargo con relacion a la registracion. Provisto que el apartamento haya sido propiamente registrado. Como llenar una queja por sobrecargo. Los formularios para quejas de sobrecargo (Numero RA-89) pueden ser obtenidos visitando o llamando cualquier oficina de Administracion de Rentas de DHCR. Inquilino - Conserve Este Documento			

Tenant Copy

EXHIBIT 3

U. S. Department of Justice
Immigration and Naturalization Service711 Stewart Avenue
Garden City, NY 11530Tatyana CHAYKA
2015 E. 7th St., #B-5
Brooklyn, NY 11223

File Number: A78522150

Date: 1/17/2007

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	711 STEWART AVE. GARDEN CITY, NY 11530	Room No. Sec.245	Floor No. 2ND
DATE AND HOUR		2/15/2007	2:00:00 PM
ASK FOR	DISTRICT ADJUDICATION OFFICER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS		
BRING WITH YOU	SEE ATTACHMENTS		

NON-ENGLISH SPEAKING APPLICANTS -- In order for the Service to schedule a translator for your appointment, you must indicate below language and dialect you require, along with a daytime phone number, and return a copy of this letter to the above address. Without this information, the Service will not be able to conduct your interview.

LANGUAGE AND DIALECT _____

DAYTIME PHONE _____

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.
IF YOU ARE UNABLE TO DO SO, STATE YOUR REASON, SIGN BELOW AND RETURN THIS LETTER.

WARNING:

IF YOU CONSIDER DEPARTING FROM THE UNITED STATES TO ANY COUNTRY, INCLUDING CANADA OR MEXICO, BEFORE A DECISION IS MADE ON YOUR APPLICATION, CONSULT WITH THIS OFFICE BEFORE DEPARTURE SINCE A DEPARTURE FROM THE UNITED STATES WILL RESULT IN TERMINATION OF YOUR APPLICATION.

I am unable to keep the appointment because:

SIGNATURE

DATE

Attorney Name: Alexander J. Segal, P.C.
Attorney Address: 2568 86th St.
Brooklyn, NY 11214-

*Fingerprint appointment forward to applicant.

EXHIBIT 4

January 18, 2008

VIA REGULAR AND CERTIFIED MAIL

United States Department of Homeland Security
Bureau of Citizenship and Immigration Services
711 Stewart Avenue
Garden City, NY 11530

**Re: Tatyana CHAYKA
A78 522 150
I-485 Application for Adjustment of Status**

To Whom It May Concern:

I am writing this letter on behalf of my client, Ms. Tatyana Chayka. I am the attorney-of-record and have previously submitted a fully executed Form G-28 Notice of Entry of Appearance as Attorney or Representative. Ms. Chayka has applied for adjustment of status to that of the Permanent Resident in the United States on the grounds that she is the beneficiary of an approved I-130 immigrant petition.

On December 7, 2000, Ms. Chayka filed an I-485 Application for Adjustment of Status with U.S. Citizenship and Immigration Services. Said Application was denied on August 7, 2006, because her husband, Mr. Nikolay Zhovtonizhko, failed to appear at an interview with her on July 13, 2006. MS. Chayka did appear at the requisite date, time, and place. Ms. Chayka filed a timely Motion to Reconsider/Reopen at 26 Federal Plaza, Room 800, New York, NY 10278.

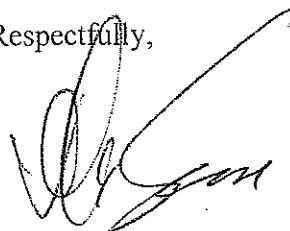
Ms. Chayka received a notice dated January 17, 2007 (a copy is attached hereto) from your office requesting she appear for an adjustment of status interview on February 15, 2007 at 2:00PM. Ms. Chayka at said interview appeared as scheduled. However, no interview was conducted as your office did not have Ms. Chayka's file. We were told that a new interview date would be scheduled in the near future and that notice would be mailed to both Ms. Chayka and our office. Though it has been nearly a year since Ms. Chayka was told her interview would have to be rescheduled neither Ms. Chayka nor our office has received notice of an adjustment of status interview.

This letter is to inquire about the status of the adjudication of this case and to respectfully request the Service to finally schedule adjustment of status interview for my clients.

This will be the final letter before I take such other and further legal actions on behalf of my client as are necessary under the circumstances to protect my client's rights. My client has submitted the appropriate forms, fees, and responded to all request for additional evidence in a timely manner.

To avoid our filing of a Writ of Mandamus and other unnecessary consequences of your Agency's failure to adjudicate my client's I-485 Application for Adjustment of Status and to save valuable time, I am respectfully asking you to please schedule an interview or otherwise adjudicate said Application as soon as humanly possible. If no action is taken within thirty (30) days of this letter, we will serve your office with a copy of a Writ of Mandamus.

Respectfully,

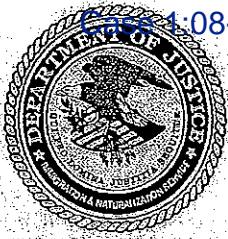
A handwritten signature in black ink, appearing to read 'A. Segal', with a long, sweeping horizontal stroke extending to the right.

Alexander J. Segal, Esq.

cc:

VIA REGULAR AND CERTIFIED MAIL

District Director for the New York District
U.S. Citizenship and Immigration Services
26 Federal Plaza
New York, NY 10278



Immigration and Naturalization Service

711 Stewart Avenue
Garden City, NY 11530Tatyana CHAYKA
2015 E. 7th St., #B-5
Brooklyn, NY 11223

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Attorney Name: Alexander J. Segal, P.C.

Attorney Address: 2568 86th St.
Brooklyn NY 11214

*Fingerprint appointment forward to applicant

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